

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1968 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- NALANDA (BIHARSHARIFF)

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Ram Babu Das son of Kameshwar Das

.... Petitioner/s

Versus

The State of Bihar Through The Principal Secretary, Department of Excise, Bihar,
Patna & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar No.1, Advocate

For the Respondent/s : Mr. P.N. Shahi, AAG-6

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 08-11-2017

Heard learned counsel for the petitioner and the State.

2. The petitioner has invoked the writ jurisdiction of this Court to quash the order dated 14.09.2017 passed in connection with Chhabilpur P.S. Case No.72 of 2017 by the 6th Additional Sessions Judge-cum-Special Judge (Excise), Nalanda at Bihar Sharif, under the Bihar Prohibition and Excise Act, 2016. By the said order the prayer of the petitioner to release the seized vehicle, i.e., Pulsar Motorcycle bearing registration No.BR-21N/5047 has been refused.

Submission of the learned counsel for the petitioner is that the jurisdiction of the Executive Officer to confiscate the vehicle is subjudice before a larger Bench of this Court in **LPA No.1647 of 2015 Baleshwar Roy V. The State of Bihar & Ors.** In the circumstances, the vehicle in question be released in favour of the



petitioner as no purpose is going to be served by its continued detention in police lockup.

Considering the fact that authority of the executive to confiscate the seized vehicle under the Excise Act and other provisions is under consideration before a larger Bench of this Court as referred above, let the same be released in favour of the petitioner by way of ad interim custody on execution of surety bond of Rs.50,000/- (Fifty Thousand), not in the form of cash/Bank Guarantee, along with two sureties of the like amount to the satisfaction of the learned Court-below where the case is pending, with condition that the petitioner would not dispose of the said vehicle without permission of the authority concerned and shall produce as and when required by the Court. The release shall be subject to the result of L.P.A. aforesaid.

With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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