

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 2100 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- SAHARSA

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Santosh Paswan, Son of Nepali Paswan, R/o Pastwar, P.S. - Mahesi, District - Saharsa.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Excise Dept. Bihar (Patna).
2. The Principal Secretary, Transport Department, Govt. of Bihar.
3. The Collector-cum-the District Magistrate, Saharsa.
4. The Deputy Superintendent of Police Saharsa, District - Saharsa.
5. The S.H.O. Navatta Police Station, District-Saharsa.

.... Respondents

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Appearance :

For the Petitioner : Mr. Neeraj Kumar, Advocate

For the Respondents : Mr. Kumar Manish, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-11-2017

Heard learned counsel for the parties.

This writ application has been preferred for quashing the order dated 11.07.2017 passed in Confiscation (Excise) Case No. 05 of 2017-18 by the Collector, Saharsa whereby the Collector has confiscated the Hero Splendor of the petitioner bearing registration no. BR-19K-4058 which was seized in connection with Nauhatta P.S. Case No. 51 of 2017 for alleged violation of the Bihar Excise Law. Further prayer is for release of the said vehicle as no purpose would be served by its continued detention of the vehicle in police lock up as well as on the ground that authority of the executive to pre-trial confiscation is under challenge before a Larger Bench of this Court in L.P.A. No. 1647 of 2015 (**Baleshwar Roy vs. The State of Bihar &**



Ors.).

After hearing the parties, finding substance in the submission aforesaid, let the aforesaid vehicle be released in favour of the petitioner on execution of surety bond of Rs.50,000/- (rupees fifty thousand) (not in the form of bank guarantee or sale deed of immovable property standing in the name of the petitioner or his wife) with two sureties of the like amount each to the satisfaction of the learned court below/authority concerned where the case is pending, with condition that the petitioner would not dispose of the said vehicle or put the same under encumbrance without permission of the authority concerned and shall produce as and when required by the Court.

The operation of the impugned order shall remain stayed and the release shall be subject to the final result of the pending L.P.A. aforesaid.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	17.11.2017
Transmission Date	17.11.2017

