

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2324 of 2017

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

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1. Manish Kumar, son of Anil Singh, Resident of Village- Jaimangala, Police Station- Seikhpura, District- Seikhpura.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Excise Department, Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate-cum- Collector, Nawada.
4. The Superintendent of Police, Nawada.
5. The Excise Superintendent, Nawada.
6. The Sub- Inspector, Excise, Nawada.
7. The A.S.I. Samekit Janch Chauki, Rajauli, District- Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Advocate

For the Respondent/s : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 28-11-2017

Heard learned counsel for the petitioner and the State.

2. Commercial quantity of foreign liquor was recovered from the vehicle of the petitioner bearing registration No.BR-52P-0338 and GO Case No.555 of 2016 was registered under the Bihar Excise Law.

3. 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.** Hence, till adjudication of the aforesaid issue, the interim release of the vehicle



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

4. Since commercial quantity of liquor was recovered from the vehicle of the petitioner, let the same be released in favour of the petitioner by way of ad interim custody on execution of **bank guarantee of Rs.5,00,000/- (Five Lacs) or sale deed of immovable property of equal value standing in the name of the petitioner** 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 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 the L.P.A. aforesaid.

5. Let operation of the confiscation proceeding, if any, remain in abeyance till disposal of the L.P.A. aforesaid and shall be subject to the L.P.A. aforesaid.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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