

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1897 of 2017

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

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1. Sita Devi W/o Raj Kishore Bhagat, R/o Village- Manjhariya, P.S.- Goreyakothi,
District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Principal Secretary, Excise Department, Govt. of Bihar, Patna.
3. The District Magistrate Cum Collector, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Officer In Charge (S.H.O.), Barauli P.S., Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate

For the Respondent/s : Mr. Anil Kumar Sinha, GA-1

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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. 72 bottles of foreign liquor was recovered from the
vehicle of the petitioner bearing registration No.BR-29R 3859 and
Barauli P.S. Case No.17 of 2017 was registered under Section 30(a)
of the Bihar Prohibition and Excise Act, 2016.

3. The present writ application has been filed challenging
the confiscation order on the ground that pre-trial confiscation is
bad-in-law and the aforesaid issue is under consideration 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.3,00,000/- (Three Lacs)** 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.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.11.2017
Transmission Date	10.11.2017

