

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2134 of 2017

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Kaushal Pandey @ Kaushal Kumar Pandey @ Kaushal Kishore Pandey, Son on
Late Ramjanam Pandey, Resident of Village-Ghataro, Police Station-Obra, District-
Aurangabad. Petitioner

Versus

1. The State of Bihar.
 2. The Director General of Police, Bihar, Patna.
 3. The Inspector General of Police, Magadh Division, Gaya.
 4. The Deputy Inspector General of Police, Magadh Division, Gaya.
 5. The District Magistrate, Aurangabad.
 6. The Superintendent of Police, Aurangabad.
 7. The Deputy Superintendent of Police, Aurangabad.
 8. The Station House Officer, Jambhore Police Station, Aurangabad.
- Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pankaj, Adv.
For the Respondent/s : Mr. Vivek Prasad, Adv.

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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. Commercial quantity of country-made liquor was
recovered from the Tata pickup van of the petitioner bearing
registration No.BR-11S-0998 and Jamhore P.S. Case No.68 of
2017 was registered under Section 30(a)/38(i) of the Bihar
Prohibition and Excise Act, 2016.

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.** In the



circumstances, till pendency of the L.P.A. aforesaid, 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.

4. Since commercial quantity of country-made 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.2,50,000/-(Two Lac Fifty thousand) or original sale deed of immovable property 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. With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Nitesh/-

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

