

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2132 of 2017

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

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Mithilesh Kumar Singh @ Mithilesh Kumar, S/o Late Roop Nath Singh, Resident
of Village - Sabuli, P.S. Baikunthpur, District - Gopalganj

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration,
Excise and Prohibition, Government of Bihar.
2. The Excise Commissioner, Bihar, Patna.
3. The Collector-Cum-The District Magistrate, Saran, Chapra.
4. The Superintendent of Police, Saran, Chapra.

.... Respondents

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Appearance :

For the Petitioner : Mr. Bhaskar Shankar, Advocate

For the Respondents : Mr. Kumar Manish, SC5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 28-11-2017

Heard learned counsel for the parties.

2. This writ application has been preferred for quashing the order dated 25.07.2017 passed in Confiscation Case No. 26 of 2017 by the Collector, Saran at Chapra whereby the Collector has confiscated the Bolero of the petitioner bearing registration no. BR28G-6089 which was seized in connection with Masrakh P.S. Case No. 296 of 2016 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.**).

3. Allegation is that 96 bottles each containing 180 ml.



foreign liquor were recovered from the aforesaid vehicle.

4. After hearing the parties, finding substance in the submission aforesaid, let the aforesaid vehicle be released in favour of the petitioner on execution of bank guarantee of Rs.6,00,000/- (rupees six lakhs) or document of immovable property standing in the name of the petitioner equivalent to the bank guarantee 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.

5. The operation of confiscation proceeding, if any, pending or order of confiscation, if any, found in respect of the said vehicle shall remain in abeyance till disposal of the L.P.A. aforesaid and the same shall be subject to the final result of the L.P.A.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	30.11.2017
Transmission Date	30.11.2017

