

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2321 of 2017

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

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1. Harish Chandar Thakur S/o Late Asharfi Thakur, R/o Village- Bituhar (Katharwa Tol), P.S.- Harlakhi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Excise Commissioner , Department of Excise, Bihar , Patna.
2. The District Magistrate, Madhubani,
3. The Superintendent of Police, Madhubani.
4. The Dy. S.P. Jainagar, District- Madhubani.
5. The Officer Incharge, Basopatti P.S., District- Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate
Mr. Vijay Kumar, Advocate
Mr. Mohit Shriwastava, 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. Three-wheeler of this petitioner bearing registration No.BR-32PA/1848 was seized in connection with Basopatti P.S. Case No.160 of 2017, a case registered for the alleged violation of 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.** 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 no purpose is going to be served by continued detention of the vehicle, let the same be released in favour of the petitioner by way of ad interim custody on execution of surety bond of Rs.1,00,000/- (One lac), not in the form of cash/Bank Guarantee, along with two sureties of the like amount 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. 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
Uploading Date	29.11.2017
Transmission Date	29.11.2017

