

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 1943 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- BHABHUA (KAIMUR)

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Om Prakash Singh, Son of Sadanand Singh, resident of Village Ujari Katawa, P.S.
Dhanu Shahabganj, District Chandauli (U.P.)

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna
2. The District Magistrate, Kaimur (Bhabhua)
3. The Superintendent of Police, Kaimur (Bhabhua)
4. The Officer-in-Charge, Chand P.S., District Kaimur (Bhabhua)

.... Respondents

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Appearance :

For the Petitioner : Mr. Raj Bansh Dubey, Advocate

For the Respondents : Mr. Anil Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 17-10-2017

Heard learned counsel for the parties.

This writ application has been preferred for quashing

the order dated 08.06.2017 passed in Confiscation Case No. 182 of
2016-17 by the Collector, Kaimur at Bhabua whereby the Collector
has confiscated the motorcycle of the petitioner bearing registration
no. UP-67N-9589 which was seized in connection with Chand P.S.
Case No. 49 of 2017 for alleged violation of the Bihar Excise Law.
Further prayer is for release of the said motorcycle 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 conviction 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.**).

After hearing the parties, finding substance in the submission aforesaid, let the motorcycle be released in favour of the petitioner on execution of surety bond of Rs.50,000/- (rupees fifty thousand) (not in the form of bank guarantee or cash) with two sureties of the like amount each 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.

The release shall be subject to the result of the pending L.P.A.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

