

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2187 of 2017

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

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Devender Ray, Son of Late Chandrika Ray, Resident of Village - Sher, Police Station - Sidhwalia, District - Gopalganj

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Inspector General of Police, Bihar, Patna.
5. The District Magistrate/Collector, Gopalganj.
6. The Superintendent of Police, Gopalganj.
7. The Excise Superintendent, Gopalganj.
8. The Sub Divisional Officer, Gopalganj.
9. The Officer-in-Charge of Sidhwalia Police Station District Gopalganj.
10. Investigating Officer of Sidhwalia Police Station Case No. 103 of 2017, Sidhwalia Police Station, Gopalganj

.... Respondents

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Appearance :

For the Petitioner : Mr. Javed Aslam, Advocate

For the Respondents : Mr. Vivek Prasad, G.P. 7

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsel for the parties.

This writ application has been preferred for quashing the order dated 10.10.2017 passed in Confiscation (Excise) Case No. 292 of 2017 by the Collector, Gopalganj whereby the Collector has confiscated the Maruti Swift of the petitioner bearing Chassis no. LIMITED MA3FHEB1S00D22052 which was seized in connection with Sidhwalia P.S. Case No. 103 of 2017 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.**).

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.3,00,000/- (rupees three 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.

The operation of the impugned order shall remain stayed and the release shall be subject to the final result of the pending L.P.A. aforesaid.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	25.11.2017
Transmission Date	25.11.2017

