

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2275 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- NALANDA (BIHARSHARIFF)

- =====
1. Sudhir Kumar @ Sudhir Yadav S/o Sri Yadav @ Chanda Yadav, R/o Village-
Giriyak , P.S.- Giriak , Disstrict- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Department of Excise of Bihar,
Patna.
2. The D.I.G. Bihar, Patna.
3. The Superintendent of Police, Nalanda.
4. The Deputy Superintendent of Police Nalanda.
5. Sub Inspector Cum S.H.O. of Giriyak , P.S.- Giriyak , District- Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudish Kumar, Advocate

For the Respondent/s : Mr. Vivek Prasad, GP-7

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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. The Motorcycle of this petitioner bearing registration
No.BR-21L/2834 was seized in connection with Giriyak P.S. Case
No.66 of 2017 for 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. Commercial quantity of liquor was recovered from the vehicle of the petitioner.

5. 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 **bank guarantee of Rs.50,000/- (Fifty Thousand) or sale deed of immovable property of equal value standing 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.

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
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