

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2319 of 2017

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

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Sant Lal Sahaney, S/o Ram Sagar Sahaney, R/o Village - Raipur, P.S. - Sarairanjan,
District - Samastipur

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Bihar, Patna.
2. The Collector, Samastipur
3. The Superintendent of Police, Samastipur
4. The Officer In Charge, Mohiuddin Nagar, P.S. Samastipur
5. The Motor Vehicle, Inspector, Samastipur

.... Respondents

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Appearance :

For the Petitioner : Mr. Kamlesh Kumar Pathak, Advocate

For the Respondents : Mr. Anil Kumar Sinha, G.A.-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-12-2017

Heard learned counsel for the parties.

This writ application has been preferred for quashing the order dated 09.09.2017 passed in Confiscation (Excise) Case No. 34 of 2017 by the Collector, Samastipur whereby the Collector has confiscated the Scorpio of the petitioner bearing vehicle no. UP-16AQ-0036 which was seized in connection with Mohiuddin Nagar P.S. Case No. 231 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.**).

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.5,00,000/- (rupees five lakhs) or document 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 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	06.12.2017
Transmission Date	06.12.2017

