

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2427 of 2017

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

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1. Krishna Kumar Ray, Son of Rambali Ray, resident of Village+ P.O.- East Bhelari, P.S.- Natwar, District- Rohtas. At present Ranapratapnagar Chas, P.S.- Chas, District- Bokaro (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Bhojpur at Ara.
2. The Superintendent of Police, Bhojpur at Ara.
3. The Deputy Superintendent of Police, Piro, Bhojpur.
4. The State House Officer Piro (Hasan Bazar), Bhojpur.
5. The Superintendent of Excise, Bhojpur.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Anil Kumar Sinha, GA-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 28-11-2017

Petitioner is permitted to make correction in the first paragraph of the application.

2. Heard learned counsel for the petitioner and the State.

3. Commercial quantity of foreign liquor was recovered from the vehicle of the petitioner bearing registration No.JH-09AA/3787 and Piro (Hasan Bazar) P.S. Case No.124 of 2017 was registered under Section 30(a)/56(d) of the Bihar Prohibition and Excise Act, 2016.

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, along with Black LYF Mobile bearing IMEI No.911508051395101 and IMEI No.9118508051895100 and cash of Rs.1,02,500/- be released in favour of the petitioner as no purpose is going to be served by its continued detention in police lockup.

4. Finding substance in the submission aforesaid, let the referred vehicle, mobiles and cash be released in favour of the petitioner by way of ad interim custody on execution of **bank guarantee of Rs.5,00,000/-(Five Lacs) 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.

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
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