

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2392 of 2017

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Pintu Kumar @ Pankaj Kumar Son of Raj Kumar Prasad Resident of Village-
Gondapur, P.S. Nawada Nagar, District- Nawada. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna .
2. The Collector/District Magistrate- Nawada, District- Nawada.
3. The Excise Deputy Commissioner, Nawada.
4. The Senior Superintendent of Police, Nawada.
5. The Superintendent of Excise, Nawada.
6. The Police Inspector cum S.H.O. Nagar Police Station, District- Nawada.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Adv.

For the Respondent/s : 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.

2. This writ application has been preferred for quashing the order dated 15.09.2017 passed in Excise Confiscation Case No. 62 (M) of 2017 by the Collector, Nawada whereby the Collector has confiscated the Bolero of the petitioner bearing Registration No. JH04C/4850 which was seized in connection with Nawada (Town) P.S. Case No. 728 of 2016 for alleged violation of the Bihar Excise Law as 360 liters of country made liquor was allegedly recovered therefrom. 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.)**.

3. 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.6,00,000/- (rupees six 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.

4. 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.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.12.2017
Transmission Date	08.12.2017

