

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1311 of 2017

=====

Ram Prasad Paswan, Son of Satyadeo, Resident of Village - Bhagwanpur,
P.S. Bhagwanpur, District Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. District Magistrate, Muzaffarpur.
3. Superintendent of Excise, Muzaffarpur.
4. Subdivisional Officer, East, Muzaffarpur.
5. Anchal Adhikari, Musahari, District Muzaffarpur.
6. Excise Inspector, Muzaffarpur.
7. Sub Inspector of Excise, Sadar Anchal, Muzaffarpur.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Respondent/s : Mr. Lalit Kishore (Paag1)

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 23-08-2017

Heard learned counsels for the parties.

The petitioner has challenged the order dated 23.12.2016 passed by the District Magistrate, Muzaffarpur in Confiscation Case No. 15 of 2016-17 whereby Sumo Gold vehicle of this petitioner bearing registration no. BRO6PA-8388 has been confiscated.

Submission of the learned counsel for the petitioner is that the authority of the executive to confiscate the vehicle is sub judice before a Larger Bench of this Court in L.P.A. No. 1647 of 2015 (**Baleshwar Roy vs. The State of Bihar & Ors.**). Hence, till disposal of that issue, let the vehicle be released by way of ad interim custody in favour of the petitioner as no purpose is going



to be served by its continued detention.

Learned counsel for the respondents submits that there is provision of appeal against the impugned order.

After hearing the parties and considering the pendency of the aforesaid issue, let the vehicle in question be released in favour of the petitioner on execution of surety bond of Rs.7,00,000/- (rupees seven lakhs) along with two sureties of the like amount (not in the form of bank guarantee or cash) with further condition that the petitioner shall not dispose of the same without permission of the Collector, Muzaffarpur. The interim release shall be subject to the result of the pending L.P.A.

The petitioner would be at liberty to challenge the impugned order after disposal of the pending L.P.A. if occasion so arises.

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

(Birendra Kumar, J)

Kundan/-

U		T	
---	--	---	--

