

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1329 of 2017

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1. Vishwajeet Kumar @ Raj Singh, Son of Birendra Kumar Singh, Resident
of Village- Usari, P.S.- Dawath, District- Rohtas Petitioner

Versus

1. The State of Bihar Through The District Magistrate, Buxar
2. The Superintendent of Police, Buxar
3. S.H.O., Dumraon, District- Buxar Respondents

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Appearance :

For the Petitioner : Mr. Anil Kumar Singh, Adv.
For the Respondents : Mr. Partha Sarthi, GA IV

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 31-08-2017

Heard the parties.

The Bolero Jeep of the petitioner, bearing registration
no. JH-02K-5035, was seized in connection with Dumraon P.S.
Case No. 277 of 2016 for alleged violation of Excise Laws.

Initially the vehicle was released by the learned Chief
Judicial Magistrate, Buxar, vide his order, dated 28.02.2017, at
Annexure 3.

Thereafter, the Collector, Buxar, issued notice of
confiscation of the aforesaid vehicle and directed the petitioner to
surrender the aforesaid vehicle. Accordingly, the petitioner
surrendered the same and has filed this writ application for stay of
the further proceedings of Confiscation Case No. 55A of 2017 on
the ground that the authority of the executive to confiscate and
auction the vehicle, which is a power exercisable by a judicial
authority is subjudice consideration before a larger Bench of this
Court in **L.P.A. No. 1647 of 2015 (Baleshwar Roy Vrs. The
State of Bihar & Ors.)**.

Further, prayer is that till disposal of the Letters
Patent Appeal, aforesaid, interim custody of the vehicle be ordered
in favour of the petitioner and operation of the confiscation



proceeding be stayed.

After hearing the parties and finding substance in the submission, aforesaid, let further proceedings of the above referred confiscation case remain stayed till disposal of the Letters Patent Appeal, aforesaid, and shall be subject to the result of the Letters Patent Appeal.

In the meantime, the referred vehicle of the petitioner be released in favour of the petitioner by execution of surety bond of Rs.10,00,000/- (rupees ten lakh) (not in the form of bank guarantee or cash) along with two sureties of the like amount.

The petitioner shall file undertaking that he will not use the vehicle for any illegal purpose at the time of furnishing of the bond and will not dispose of the aforesaid vehicle without the permission of the Court.

The interim release shall be subject to the result of pending Letters Patent Appeal.

With the aforesaid observations, this application stands **disposed off**.

(Birendra Kumar, J)

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