

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1396 of 2017

=====

1. Punit Das, son of Raj Das, resident of Village- Manjira, P.S.- Banka,
District- Banka Petitioner

Versus

1. The State of Bihar through the Director General of Police, Government of Bihar, Patna
2. The Inspector General of Police, Bihar, Patna.
3. The District Magistrate cum Collector, Banka
4. The Superintendent of Police, Banka
5. Superintendent of Excise, Banka
6. The District Transport Officer, Banka
7. The Officer in Charge, Barahat (Banka) Police Station, District- Banka
..... Respondents

=====

Appearance :

For the Petitioner : Mr. Amrendra Kumar Jha, Adv.
For the Respondents : Mr. Vikash Kumar, SC XI

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 31-08-2017

Heard the parties.

The tempo of this petitioner, bearing registration no. BR-51P-0181, was seized in connection with Banka P.S. Case No. 975 of 2016 for alleged violation of Excise Laws.

Thereafter, Confiscation Case No. 150 of 2016-2017 was started by the District Magistrate, Banka, and by order, dated 12.04.2017, vide Annexure 3, the said vehicle has been ordered to be confiscated.

The aforesaid order is under challenge in this writ application on the ground that similar question, regarding authority of the executive to confiscate and auction the vehicle, which power is 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.)**.

Hence, till disposal of the Letters Patent Appeal, aforesaid, the vehicle be released in interim custody of the



petitioner.

After hearing the parties and finding the substance in the submission of the learned counsel for the petitioner, let the aforesaid tempo be released in favour of the petitioner by way of interim custody on execution of surety bond of Rs. 1,00,000/- (rupees one 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, will not dispose of the aforesaid vehicle without the permission of the Court and shall produce the same as and when required by 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)

SA/-

U	√	T	√
---	---	---	---

