

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1903 of 2017

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

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Sanjay Kumar, Son of Parmanand Prasad, Resident of Mohalla-Murgiya Chak,
Ward No.9, P.S. & District-Khagaria.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Bhagalpur.
3. The Superintendent of Police, Bhagalpur.
4. The District Supply Officer, Bhagalpur.
5. The S.H.O. Kahalgaon, P.S.-Kahalgaon, District-Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 16-10-2017

Heard learned counsel for the petitioner and the State.

2. The Scorpio of this petitioner bearing registration
No.BR-34P/2138 was seized in connection with Kahalgaon P.S.
Case No.70 of 2017 for alleged violation of the Bihar Excise law.

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 be released in favour of the petitioner as no purpose is going
to be served by its continued detention in police lockup.



4. Commercial quantity of liquor was recovered from the vehicle of the petitioner.

5. Since no purpose is going to be served by continued detention of the vehicle, let the same be released in favour of the petitioner by way of ad interim custody on execution of **bank guarantee of Rs.6,00,000/- (Six Lacs)** 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.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.10.2017
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