

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1960 of 2017

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

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Dharmendra Chaudhary son of Ramu Chaudhary

.... Petitioner/s

Versus

The State of Bihar, Through The Principal Secretary, Excise Department,
Government of Bihar, Patna & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Dr. Rajesh Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-11-2017

Heard learned counsel for the petitioner and the State.

2. The Motorcycle of this petitioner bearing registration

No.BR-04V/1526 was seized in connection with Doriganj P.S. Case

No.80 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.50,000/- (Fifty Thousand)** 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
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