

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13627 of 2017

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1. Md. Akhtar Hussain @ Akhtar Hussain, son of Abdul Gani Siddique, Resident of- Sahganj, Ward No. 10, Police Station- Barun, District- Aurangabad.
 2. Suraj Kumar @ Suraj Ganju, Son of Dhaneshwar Ganju, Resident of- Nawadih, Bahri, District- Hazaribagh (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Excise and Prohibition, Government of Bihar, Patna.
2. The Director General of Police, Government of Bihar, Patna.
3. The District Magistrate- Collector, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi
For the Respondent/s : Mr. VIVEK PRASAD -GP7

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 20-09-2017 Issue notice.

Respondents to file counter affidavit within four weeks.

List for analogous hearing along with LPA No.1647 of 2015 and other connected cases.

Learned counsel for the petitioner prays for release of the vehicle Rickshaw/Tempo bearing Registration No. BR-26H-5639 based on orders passed by this Court in various cases directing release of vehicles.

We find that in this case the petitioner was carrying large quantity of liquor, i.e. more than 180 pouch of 200 ml of liquor. It seems that the petitioner was commercially dealing with the



prohibited liquor and therefore deviating from the normal rule granting release of vehicles, we direct that the vehicle of the petitioner shall be released only on the petitioner's furnishing Bank Guarantee to the satisfaction of the District Magistrate, Gaya with regard to the value of the vehicle.

Keeping in view the interim order passed in Letters Patent Appeal No.1647 of 2015 on 17.05.2016 and the question as to whether the Collector can pass an order of confiscation which is pending consideration before the Division Bench of this Court, we allow the interim prayer and direct for release of the vehicle in question, namely, Rickshaw/Temopo bearing Registration No. BR-26H-5639 on the petitioner's furnishing Bank Guarantee to the satisfaction of the District Magistrate, Gaya with regard to the value of the vehicle and further undertaking not to alienate the vehicle or deal with it adverse to the interest to the State, and produce it before the Collector-cum-District Magistrate, Gaya as and when directed.

(Rajendra Menon, CJ)

spandey/-

(Anil Kumar Upadhyay, J)

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