

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1384 of 2017

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

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1. Suraj Kumar @ Golu, Son of Ajeet Kumar Singh, Resident of Village-
Madhopur, P.S. Hathauri, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Muzaffarpur, District- Muzaffarpur.
3. The Senior Superintendent of Police, Muzaffarpur, District- Muzaffarpur.
4. The Excise Superintendent, Muzaffarpur, District- Muzaffarpur.
5. The District Transport Officer, Muzaffarpur District- Muzaffarpur.
6. The Sub-Divisional Officer, East Muzaffarpur District- Muzaffarpur.
7. The Circle Officer, Mushahari, District- Muzaffarpur.
8. The Station Head Officer, Muzaffarpur Town Police Station, District- Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 01-09-2017

Heard learned counsel for the parties.

2. This application has been filed for quashing the order dated 21.03.2017 passed by respondent No.2 in Confiscation Case No.1 of 2017, whereby the Sumo Gold vehicle of this petitioner bearing registration No.BR 06PC/9286 was ordered to be auctioned. The said vehicle was seized in connection with Muzaffarpur Town P.S. Case No.602 of 2016.



3. Submission of the learned counsel for the petitioner is that the power of the Executive Authority to seize and auction the vehicle, which is a power exercisable by a judicial authority is under 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 disposal of the L.P.A. aforesaid, the operation of the impugned order be stayed and by way of interim custody the vehicle be released in favour of the petitioner as has been done in different cases by different coordinate Benches of this Court as well as by this Court.

4. After hearing the parties, I find substance in the submission of the learned counsel for the petitioner, it is ordered that the impugned order as well as the confiscation proceeding pending before the Collector, Muzaffarpur, shall remain stayed and shall be subject to the result of the L.P.A. aforesaid. Hence, let the referred vehicle be released in favour of the petitioner by way of ad interim custody on execution of surety bond of Rs.10,00,000/- (Ten Lacs), not in the form of cash/Bank Guarantee, along with two sureties of the like amount each to the satisfaction of the concerned authority 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.



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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.09.2017
Transmission Date	05.09.2017

