

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.850 of 2017

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

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1. Mithilesh Kumar Roy Son of Sitaram Roy, Resident of Mohalla- Daheria, P.S.-
Mail Baxar Katihar (Town), District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Patna (Bihar)
3. The Inspector General of Police , Patna (Bihar)
4. The Deputy Inspector General of Police , Patna (Bihar).
5. The Inspector General of Police, Darbhanga (Bihar).
6. The Superintendent of Police, Katihar (Bihar).
7. Deputy Superintendent of Police, Katihar.
8. The Officer-Incharge, Kadwa Police Station, Katihar (Bihar).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anang Mohan Sinha, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 31-07-2017

Heard learned counsel for the petitioner and the State.

The Scorpio vehicle of this petitioner bearing registration
No.BRIIX-3200 was seized in connection with Kadwa P.S. Case
No.321 of 2016, a case registered for the alleged violation of the
excise laws.

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 operation of the impugned order be stayed and 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.

Learned counsel for the State-respondent opposed the prayer on the ground that the authorities are competent under the provisions of Bihar Prohibition and Excise Act, 2106, to confiscate. Hence, the petitioner cannot get interim relief of release of the vehicle.

Considering the fact that authority of the executive to confiscate the seized vehicle under the Excise Act and other provisions is under consideration before a larger Bench of this Court as referred above, the operation of the impugned order shall remain stated till further order and shall be subject to the result of L.P.A. aforesaid.

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 surety bond of Rs.12,00,000/- (Twelve Lacs) not in the form of cash/Bank Guarantee along with two sureties of the like amount 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.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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