

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 793 of 2017

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

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Banwari Rai, Son of Kanta Prasad Rai, Resident of Village - Koreya, Police Station
- Bhore, District - Gopalganj

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration,
Excise and Prohibition, Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Inspector General of Police, Bihar, Patna.
5. The District Collector, Gopalganj.
6. The Excise Superintendent, Gopalganj.
7. The Officer-in-Charge of Bhore Police Station, District - Gopalganj.
8. Investigating Officer of Bhore Police Station Case No. 134 of 2016, Bhore
Police Station, Gopalganj.

.... Respondents

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Appearance :

For the Petitioner : Mr. Javed Aslam, Advocate

For the Respondents : Mr. Vivek Pd. G.P. 7

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 16-10-2017

Heard learned counsel for the parties.

This writ application has been preferred for quashing
the order dated 17.03.2017 passed in Confiscation (Excise) Case No.
83 of 2016 by the Collector, Gopalganj whereby the Collector has
confiscated the motorcycle of the petitioner bearing registration no.
BR-28F08217 which was seized in connection with Bhore P.S. Case
No. 134 of 2016 for alleged violation of the Bihar Excise Law.
Further prayer is for release of the said motorcycle as no purpose



would be served by its continued detention of the vehicle in police lock up as well as on the ground that authority of the executive to pre-trial conviction is under challenge before a Larger Bench of this Court in L.P.A. No. 1647 of 2015 (**Baleshwar Roy vs. The State of Bihar & Ors.**).

After hearing the parties, finding substance in the submission aforesaid, let the motorcycle be released in favour of the petitioner on execution of surety bond of Rs.50,000/- (rupees fifty thousand) (not in the form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of the learned court below/authority concerned where the case is pending.

The release shall be subject to the result of the pending L.P.A.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

