

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2373 of 2017

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

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Rajendra Kumar Jha, Son of Lakhi Kant Jha, Resident of Village - Basant, P.O. - Karkha, P.S. - Jale, District - Darbhanga

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Excise, Government of Bihar, Patna
2. The District Magistrate, Darbhanga
3. The Superintending of Excise, Darbhanga.

.... Respondents

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Appearance :

For the Petitioner : Mr. Avinash Kumar, Advocate

For the Respondents : Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsel for the parties.

2. This writ application has been preferred for quashing the order dated 18.10.2017 passed in Excise Confiscation Case No. 109 of 2017 by the Collector, Darbhanga whereby the Collector has confiscated the Scorpio of the petitioner bearing registration no. BR07PA-8315 which was seized in connection with Simri P.S. Case No. 48 of 2017 for alleged violation of the Bihar Excise Law. Further prayer is for release of the said vehicle as no purpose would be served by continued detention of the vehicle in police lock up as well as on the ground that authority of the executive to pre-trial confiscation 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.**).



3. After hearing the parties, finding substance in the submission aforesaid, let the aforesaid vehicle be released in favour of the petitioner on execution of bank guarantee of Rs.6,00,000/- (rupees six lakhs) or document of immovable property standing in the name of the petitioner equal to the value of the bank guarantee 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 or put the same under encumbrance without permission of the authority concerned and shall produce as and when required by the Court.

4. The operation of the impugned order shall remain stayed and the release shall be subject to the final result of the pending L.P.A. aforesaid.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	25.11.2017
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