

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1168 of 2017

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

- =====
1. Vijendra Ram Son of Late Guneshwar Ram, R/o Mohalla- Sagha, Ward No.15,
P.S.- Saur Bazar, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Department of Excise,
Government of Bihar , Patna.
2. The District Magistrate, Saharsa.
3. The Superintendent of Police, Saharsa.
4. The S.H.O. Saur Bazar Police Station, District- Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Respondent/s : AC to AG

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 01-08-2017

Heard learned counsel for the petitioner and the State.

The Scorpio of this petitioner, bearing registration
No.BR-19G-4306, was seized in connection with Saur Bazar P.S.
Case No.233 of 2017, under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

By the impugned order dated 13.06.2017, passed in
Confiscation (Excise) Case No.12 of 2017-18, the Collector, Saharsa,
refused to release the referred vehicle in favour of the petitioner and
directed to confiscate the same.

Submission of the petitioner is that the issue as to



whether the Collector has authority to confiscate and auction the vehicle, which is a judicial function, is subjudice before a larger Bench of this Court in LPA No.1647 of 2015 and considering the pendency of the aforesaid LPA in other matters different Division Benches of this Court have ordered for interim release of the vehicle in favour of the owner.

Learned counsel for the respondent has no objection in interim release of the vehicle in favour of the petitioner. However, his submission is that release would be subject to the result of the L.P.A.

Considering the facts and circumstances above, let the aforesaid vehicle be released in favour of the petitioner after verification of the ownership of the vehicle 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 shall not dispose of the said vehicle without permission of the authority concerned and shall produce as and when required by the Court. Further proceeding of Confiscation (Excise) Case No.12 of 2017-18, arising out of Saur Bazar P.S. Case No.233 of 2017, corresponding to Special Case No.146 of 2017, shall remain stayed till disposal of the L.P.A aforesaid and shall be subject to the result of the L.P.A. aforesaid.



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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.08.2017
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