

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2053 of 2017

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

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Ajay Hazari @ Ajay Mishra son of Arjun Hazari @ Arjun Mishra,

.... Petitioner/s

Versus

The State of Bihar Through The Principal Secretary, Department of Excise,
Government of Bihar, Patna & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Advocate

For the Respondent/s : Mr. Vivek Prasad, GP-7

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsel for the petitioner and the State.

2. Commercial quantity of country-made liquor was recovered from the Auto Rickshaw of the petitioner bearing registration No.BR-34P 3230 and Parbatta P.S. Case No.194 of 2017 was registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The present writ application has been filed challenging the confiscation order on the ground that pre-trial confiscation is bad-in-law and the aforesaid issue is under consideration before a larger Bench of this Court in **LPA No.1647 of 2015 Baleshwar Roy V. The State of Bihar & Ors.** Hence, till adjudication of the aforesaid issue, the interim release of the vehicle be ordered as no purpose is going to be served by its continued detention in police



lockup.

4. Since commercial quantity of liquor was recovered from the vehicle of the petitioner, let the same be released in favour of the petitioner by way of ad interim custody on execution of **bank guarantee of Rs.1,00,000/- (One Lac)** 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 without permission of the authority concerned and shall produce as and when required by the Court. The release shall be subject to the result of the L.P.A. aforesaid.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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