

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.418 of 2017

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

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Sikandar Jaiswal, Son of Harilal Jaiswal, Resident of Mukhiya Tola, P.O. and P.S.-
Beldaur, District- Khagria.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise And Prohibition, Government of Bihar.
2. The Excise Commissioner, Bihar, Patna.
3. The District Collector, Purnia.
4. The State of Bihar through the Director General of Police, Bihar.
5. The Superintendent of Police, District- Purnia.
6. Station-House-Officer, Baisi Police Station.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 04-05-2017

Heard the parties.

2. The petitioner has invoked the writ jurisdiction of this Court for issuance of mandamus directing the respondent District Collector, Purnea to release the truck of the petitioner bearing Reg. No.BR-11G-7548 which has been confiscated by order dated 31.01.2017 passed in Misc. Petition (Excise) Case No.296 of 2016, arising out of Baisi P.S. Case No.134 of 2016, a case under Section 373 of the Indian Penal Code and Section 47A of the Bihar Excise Act, 1915 as amended in the year, 2016.

3. Submission of the petitioner is that substantial



question of law regarding power of Collector to confiscate the vehicle is under challenge and under consideration before a Larger Bench in L.P.A. No.1647 of 2015 as the administrative authorities cannot be vested with the powers which could be exercised only by a judicial authority. Considering the aforesaid matter, in CWJC No.1791 of 2017 a Division Bench of this Court has directed for release of the vehicle seized in connection with a case under the provisions of Excise Act in favour of the petitioner of that case.

4. In view of the binding order of the Division Bench, let the aforesaid truck of the petitioner be released in his favour by way of ad-interim custody on execution of the surety bond of Rs.20,00,000/- (twenty lacs) along with two sureties of the like amount with condition that the petitioner shall not dispose of the same without permission of the Court nor shall put the same in encumbrance and shall produce as and when required by the Court.

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

(Birendra Kumar, J)

Arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	12.05.2017
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