

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.965 of 2017

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1. Shambhu Nath Yadav Son of Munilal Yadav, Resident of Village- Chai Chapra, P.S.- Baairiya, District- Balia (U.P.).

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Excise Department, District Bhojpur At Ara,
2. The Superintendent of Police Bhojpur at Ara.
3. The Dy.S.P. Ara Town, District Bhojpur.
4. The A.S.I. of O.P. Khwajapur (P.S. Barhara) District- Bhojpur at Ara.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Rajani Ranjan Pd. Singh, Adv.
For the Respondents : Mr. Vivek Prasad, GP VII

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 09-08-2017

This writ application has been preferred for issuance of mandamus against the respondents to release Bolero four wheeler bearing registration no. U.P.-60V-5343. The aforesaid vehicle was seized for alleged violation of Excise Laws.

Prayer is for stay of further proceeding of the Confiscation Case No. 9 of 2016 and interim release of the vehicle on the ground that competency of the executive authority to confiscate and auction the seized vehicle which is under consideration before a larger Bench of this Court **L.P.A. No. 1647 of 2015 (Baleshwar Roy Vrs. The State of Bihar & Ors.)**. After hearing the parties, I am of the view that no purpose would be served by continued detention of the said vehicle till adjudication of the aforesaid issue, pending before the larger Bench of this Court.

Hence, it is directed that the operation of the impugned order as well as subsequent proceeding of Confiscation



Case No. 9 of 2016 shall remain stayed till disposal of above Letters Patent Appeal.

In the meantime, by way of ad interim custody, let the vehicle, referred above, be released in favour of the petitioner on execution of surety bond of Rs. 10,00,000/- (rupees ten lakh) (not in the form of bank guarantee or cash) along with two sureties of the like amount each to the satisfaction of the Collector, Bhojpur at Ara. The petitioner shall not disposed off the vehicle without permission of the Court where the case would be pending and shall produce as and when required.

The interim release shall be subject to the result of pending Letters Patent Appeal.

With the aforesaid observations, this application stands **disposed off**.

(Birendra Kumar, J)

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