

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1007 of 2017

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Murari Prasad, son of late Shiv Kumar Bind, resident of village Baheriya,
P.O. Karji, P.S. Chand, district Kaimur at Bhabhua Petitioner

Versus

1. The State of Bihar Through The Commissioner, Excise Deptt., Bihar,
Patna
 2. The Collector-cum-District Magistrate, Kaimur at Bhabhua,
 3. The Superintendent of Police, Kaimur at Bhabhua
 4. The Officer-in-Charge of Chand Police Station, Kaimur at Bhabhua
.... Respondents
- =====

Appearance :

For the Petitioner : Mr. Tribhuwan Narayan, Adv.

For the Respondents : Mr. Kr. Manish(Sc5)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 12-07-2017

Heard the parties.

The motorcycle of this petitioner bearing registration no. BR 45C 2865 was seized in connection with Chand P.S. Case No. 58 of 2017 for alleged violation of excise laws.

By order, dated 11.05.2017, passed in Confiscation (Excise) Case No. 179 of 2016-2017, the Collector, Kaimur at Bhabhua, confiscated the said vehicle. The order of confiscation is under challenge herein.

Submission of the learned counsel for the petitioner is that the power of executive authority to confiscate and auction the seized article, which is exercisable by judicial authority is under challenge before a Division Bench of this Court in L.P.A. No. 1647 of 2015 and considering the aforesaid order, different Division Benches of this Court have already allowed interim release of the seized articles.

Finding substance in the aforesaid submission, aforesaid, the operation of the order, dated 11.05.2017, passed by the Collector, Kaimur at Bhabhua, in Confiscation Excise No. 179



of 2016-2017, shall remain stayed till disposal of L.P.A. No. 1647 of 2015 and shall be subject to the result of the L.P.A. aforesaid.

In the meantime, let the vehicle be released in favour of the petitioner by way of interim custody on execution of surety bond of Rs.50,000/- (rupees fifty thousand) (not in the form of Bank guarantee) along with two sureties of the like amount each with the condition that the petitioner shall not dispose off the said vehicle without permission of the Court and shall produce as and when required by the Court below.

Accordingly, this application stands disposed off.

(Birendra Kumar, J)

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