

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1033 of 2017

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1. Santosh Singh, Son of Late Kishori Singh, Resident of Village- Mokari,
P.S.- Bhabua, District- Kaimur (Bhabua) Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Prohibition &
Registration Department, Government of Bihar, Patna
2. The Collector-cum-District Magistrate, Kaimur (Bhabua)
3. The Superintendent of Excise, Kaimur (Bhabua)
4. The Superintendent of Police, Kaimur (Bhabua)
5. The Sub-Inspector of Excise, Kaimur (Bhabua) Respondents

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Appearance :

For the Petitioner : Mr. Kumar Sunil, Adv.

For the Respondents : Mr. Vivek Prasad (Gp-7)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 19-07-2017

Heard the parties.

The petitioner has invoked the writ jurisdiction of this Court for quashing the proceeding of Excise Confiscation Case No. 93 of 2016-2017 arising out of Excise Case No. 138 of 2016 as well as for interim release of the motorcycle bearing registration no. BR-45E- 4089.

The question of law whether an executive authority has power to confiscate and auction the vehicle which is a judicial function is under consideration before a larger Bench in L.P.A. No. 1647 of 2015 (**Baleshwar Roy Vrs. The State of Bihar & Ors.**).

Considering the aforesaid pendency in C.W.J.C. No. 3554 of 2017 (**Ashok Kumar Singh, Vrs. The State of Bihar & Ors.**) and some other writ applications, a Division Bench of this Court ordered for interim release of the vehicle in favour of the owner.

Considering the aforesaid pendency in C.W.J.C. No. 3554 of 2017 (**Ashok Kumar Singh, Vrs. The State of Bihar &**



Ors.) and some other writ applications, a Division Bench of this Court ordered for interim release of the vehicle in favour of the owner.

Considering the aforesaid factual and legal position, let the above referred motorcycle be release in favour of the petitioner by way of ad interim custody on furnishing surety bond of Rs.50,000/- (rupees fifty thousand) (not in the form of cash or bank guarantee) with two sureties of the like amount each with condition that the petitioner shall not dispose off the same or put the same under encumbrance without the permission of the Court.

Accordingly, this writ application stands **disposed off.**

(Birendra Kumar, J)

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