IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.966 of 2017

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1. Harendra Prasad Jaiswal S/o Late Kailash Prasad, resident of Village- Pakaridayal, P.S.- Pakaridayal, District- East Champaran .... Petitioner

Versus

1. The State of Bihar, through Principal Secretary, Excise and Prohibition Department, Bihar, Patna
2. The District Magistrate, East Champaran
3. The Senior Superintendent of Police, East Champaran
4. The Superintendent of Police, Sikrahana, East Champaran
5. The S.H.O., Dhaka Police Station, Sikrahana, East Champaran

.... Respondents

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Appearance :
For the Petitioner : Mr. Rakesh Kumar, Adv.
For the Respondents :

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 30-08-2017 Heard the parties.

The present writ application has been preferred for release of Bolero pick-up van, bearing registration no. BR-05GA-1471, which was seized in connection with Dhaka P.S. Case No. 101 of 2017, a case registered for violation of Excise Laws.

Submission of the learned counsel for the petitioner is that the authority of the executive authority to confiscate and auction the vehicle, which is a power exercisable by a judicial authority is subjudice consideration before a larger Bench of this Court in **L.P.A. No. 1647 of 2015** (**Baleshwar Roy Vrs. The State of Bihar & Ors.**).

Hence, till disposal of the Letters Patent Appeal, aforesaid, by way of interim custody the vehicle be released in favour of the petitioner as no purpose is going to be served by continued detention of the vehicle in custody.

Finding substance in the submission, aforesaid, let the aforesaid vehicle be released in favour of the petitioner by way

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of interim custody on execution of surety bond of Rs. 4,00,000/- (rupees four lakh) (not in the form of bank guarantee or cash) along with two sureties of the like amount.

The petitioner shall file undertaking that he will not use the vehicle for any illegal purpose at the time of furnishing of the bond and will not dispose of the aforesaid vehicle without the permission of the Court.

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

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

(Birendra Kumar, J)

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