

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1299 of 2016

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

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Rakesh Kumar Mandal @ Rakesh Mandal

.... Petitioner/s

Versus

The State of Bihar Through The Principal Secretary, Deptt. of Law, Revenue & Excise, Govt. of Bihar, Patna & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Kumar Manish (SC-5)

Mr. Kumar Pankaj, AC to SC-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 26-07-2017

No one appears on behalf of the petitioner.

Learned counsel for the respondent prays for one week time to file counter affidavit. Prayer is refused considering urgency of the prayer of the petitioner.

The petitioner has invoked the writ jurisdiction of this Court for direction to the respondent authorities to release the Passion Pro motorcycle of the petitioner bearing registration No.BR38D 7726, which was seized in connection with Jogbani P.S. Case No.71 of 2016, a case registered for violation of the Bihar Prohibition and Excise Act, 2016. Subsequently, the vehicle has been confiscated by the Collector, Araria, as stated in paragraph-8 of the writ application on oath.

Considering the fact that authority of the executive to



seize the vehicle etc. which is exercisable by a judicial authority is under subjudice before a larger Bench of this Court in **LPA No.1647 of 2015 Baleshwar Roy V. The State of Bihar & Ors.** It is directed that operation of the confiscation proceeding, if pending, shall remain stayed till further order and shall be subject to the result of the L.P.A. aforesaid.

By way of ad interim arrangement, let the referred motorcycle be released in favour of the petitioner on execution of surety bond of Rs.60,000/-(Sixty Thousand) not in the form of cash/Bank Guarantee along with two sureties of the like amount with condition that the petitioner would not dispose of the said vehicle without permission of the authority concerned and shall produce as and when required by the Court. This order shall be subject to the result of the L.P.A. aforesaid.

With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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