

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.530 of 2017

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

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Abhay Kumar @ Abhary Kumar, Son of Ram Sagar Raw, Resident of Village-
Adarsh Colony Teli Deedh, P.S.-Chas, District-Bokaro.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Begusarai.
3. The Superintendent of Police, begusarai
4. The District Supply Officer, Begusarai.
5. The S.H.O. Barauni (Chakia) Police Station, District-Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 04-05-2017

Heard the parties.

2. The petitioner is owner of Tata Indica and Tata Sumo bearing Reg. No.9H09M/3895 and JH09K/5555 respectively which were seized in connection with Barauni (Chakia) P.S. Case No.336 of 2016, a case registered under Section 188 of the Indian Penal Code and Section 47A of the Bihar Excise (Amendment) Act, 2016, for the reason that the same were carrying liquor. The learned court below has refused the prayer for releaase on the ground that Section 60 of the Act bars jurisdiction of the Court.

3. Submission of the petitioner is that the issue as to



whether an executive authority has power to confiscate or auction the confiscated vehicle, which is exercisable by judicial courts, is under consideration before a Larger Bench of this Court in LPA No.1647 of 2015. Considering the aforesaid facts, in CWJC No.1791 of 2017 a Division Bench of this Court has ordered for release of the seized vehicle in favour of petitioner of that case.

4. Considering the aforesaid facts, let the aforesaid vehicles be released in favour of the petitioner, after verification of the ownership of the vehicles of the petitioner, by way of ad-interim custody on execution of surety bond of Rs.6,00,000/- (six lacs) along with two sureties of the like amount for each vehicle with condition that the petitioner shall not dispose of the said vehicles and shall produce as and when required by this Court. This order shall be subject to result of the LPA aforesaid.

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

(Birendra Kumar, J)

Arvind/-

AFR/NAFR	
CAV DATE	
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