

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1059 of 2017

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1. SUDHIR SINGH @ SUDHIR KUMAR, Son of Ram Sagar Singh,
resident of Village- Panhas, ward No. 28, P.S. Lohiya Nagar, O.P. District-
Begusarai Petitioner

Versus

1. The State of Bihar Through The Principal Secretary, Excise
Department, Government of Bihar, Patna
2. The District Magistrate, Begusarai
3. The Superintendent of Police, Begusarai
4. The District Supply Officer, Begusarai
5. The Station House Officer, Begusarai Town Police Station, district
Begusarai Respondents

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Appearance :

For the Petitioner : Mr. Ram Sumiran Rai, Adv.
For the Respondents : Mr. Kumar Manish, SC V

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 03-08-2017 The petitioner has prayed for release of his TVS
Apache Motorcycle bearing registration no. BR-09H-0442 which
was seized in connection with the violation of Excise Law.

Prayer is on the ground of competency of the
executive authority to confiscate and auction the seized vehicle
which is under consideration before a larger Bench of this Court
L.P.A. No. 1647 of 2015 (**Baleshwar Roy Vrs. The State of
Bihar & Ors.**). Further, prayer is that till disposal of Letters
Patent Appeal, aforesaid, the confiscation of the aforesaid vehicle
in connection with Excise Case No. 42C2 of 2017 pending before
the Additional Sessions Judge, VII, Begusarai, may be stayed and
the vehicle may be released by way of ad interim custody in
favour of the petitioner.

After hearing the parties, I am of the view that no
purpose would be served by continued detention of the said
vehicle till adjudication of the aforesaid issue, pending before the
larger Bench of this Court.



Hence, it is directed that the operation of the impugned order, dated 15.06.2017, passed in Excise Case No. 42C2 of 2017, by the Additional Sessions Judge, VII, Begusarai, shall remain stayed.

In the meantime, by way of ad interim custody, let the motorcycle, referred above, be released in favour of the petitioner on execution of surety bond of Rs. 50,000/- (rupees fifty thousand) (not in the form of bank guarantee or cash) along with two sureties of the like amount each to the satisfaction of the Collector, Begusarai, and the motorcycle shall be subject to Letters Patent Appeal, aforesaid.

With the aforesaid observations, this application stands **disposed off**.

(Birendra Kumar, J)

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