

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1330 of 2017

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1. Bijali Yadav, Son of Late Siyaram Yadav, Resident of Village- Chakla,
Lakshmi Rampur, Uttarwari, P.S. & District- Madhepura Petitioner

Versus

1. The State of Bihar Through The District Magistrate, Madhepura
2. The Collector-cum-District Magistrate, Madhepura
3. The Superintendent of Police, Madhepura
4. The Sub-Divisional Officer, Madhepura
5. The Block Supply Officer, Madhepura
6. The Station House Officer, Madhepura Police Station, District-
Madhepura
7. The Motor Vehicle Inspector, Madhepura Respondents

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Appearance :

For the Petitioner : Mr. Sunil Kumar Singh, Adv.

For the Respondents : Mr. Sanjay Kumar Giri, GP IX

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 31-08-2017

Heard the parties.

The Maxima half Dala of the petitioner, bearing registration no. BR-43G-2022, was seized in connection with Madhepura P.S. Case No. 30 of 2017 for alleged violation of Essential Commodities Act.

Thereafter, the Collector, Madhepura, by order, dated 11.05.2017, started Confiscation Case No. 6 of 2017.

Learned counsel for the petitioner prays for interim release of the said vehicle on the ground that the power of the Executive Authority to confiscate the seized vehicle which is exercisable by a Judicial Authority is subjudice before a larger Bench of this Court in **L.P.A. No. 1647 of 2015 (Baleshwar Roy Vrs. The State of Bihar & Ors.)**. He, further, submits that no purpose is going to be served by continued detention of the vehicle in custody.

Considering the aforesaid pendency of issue before the larger Bench, let the aforesaid vehicle be released in favour of



the petitioner by way of interim custody on execution of surety bond of Rs. 5,00,000/- (rupees five 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.

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

(Birendra Kumar, J)

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