

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1658 of 2017

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

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Md. Shanaullah son of Eanul Hak, resident of village – Pendar Kom, P.O. Maragliya; Police Station- Balu Math, District- Latehar (Jharkhand)

.... Petitioner/s

Versus

The State of Bihar Through The Chief Secretary, Government of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate

For the Respondent/s : Mr. Vivek Prasad, GP-7

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 17-10-2017

Heard learned counsel for the petitioner and the State.

2. The Bolero of this petitioner bearing registration No.JH-19A/9141 was seized in connection with Sherghati (Dobhi) P.S. Case No.90 of 2017 for alleged violation of the Bihar Excise law.

3. Submission of the learned counsel for the petitioner is that the jurisdiction of the Executive Officer to confiscate the vehicle is subjudice before a larger Bench of this Court in **LPA No.1647 of 2015 Baleshwar Roy V. The State of Bihar & Ors.** In the circumstances, till pendency of the L.P.A. aforesaid, the vehicle in question be released in favour of the petitioner as no purpose is going to be served by its continued detention in police lockup.

4. Commercial quantity of liquor was recovered from the



vehicle of the petitioner.

5. Since no purpose is going to be served by continued detention of the vehicle, let the same be released in favour of the petitioner by way of ad interim custody on execution of **bank guarantee of Rs.6,00,000/- (Six Lacs)** to the satisfaction of the learned Court-below/authority concerned where the case is pending, with condition that the petitioner shall not dispose of the said vehicle or put under encumbrance without permission of the authority concerned and shall produce as and when required by the Court. The release shall be subject to the result of the L.P.A. aforesaid.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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