

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 1692 of 2017

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

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MD. SHAMSAD @ MD. SAMSAD, Son of Md. Idrish, Resident of Village -
Manikpur Arraha, Word No. - 11, Police Station of Manikpur Arraha District -
Madhepura

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate Madhepura.
2. The District Magistrate, Madhepura.
3. The Superintendent of Police, Madhepura.
4. The Excise Officer, Madhepura.

.... Respondents

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Appearance :

For the Petitioner : Mr. Surya Narayan Yadav, Advocate

For the Respondents : Mr. Anil Kumar Sinha, G.A.1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-10-2017

Heard learned counsels for the parties.

By the impugned order dated 13.06.2017 passed in
(Excise Act) Confiscation Case No. 16 of 2017, the Collector-cum-
District Magistrate, Madhepura has confiscated the motorcycle
vehicle of the petitioner bearing Chasis no. ME4JC714KGT054711,
Engine No. JC71E-T-0320700 which was seized in connection with
Excise Case No. 280 of 2016-17.

Submission of the learned counsel for the petitioner is
that the power, of the Executive Authority to confiscate the vehicle, is
under challenge and is pending for consideration before a Larger
Bench of this Court in L.P.A. No. 1647 of 2015 (**Baleshwar Roy vs.**
The State of Bihar & Ors.). In the circumstances, till disposal of the



L.P.A. aforesaid, further proceeding of confiscation case be stayed and the vehicle be released, by way of ad interim custody, in favour of the petitioner as no purpose is going to be served by its continued detention.

After hearing the parties and finding substance in the submission aforesaid, let the vehicle in question be released in favour of the petitioner, who claims to be owner thereof, by way of ad interim custody, 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 District Magistrate, Madhepura, with condition that the petitioner shall not dispose of the same without permission of the Court and shall produce the vehicle as and when required by the Court.

The release shall be subject to the final result of the aforesaid L.P.A.

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

(Birendra Kumar, J)

Kundan/-

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CAV DATE	
Uploading Date	
Transmission Date	

