

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1832 of 2017

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

Sanjay Ray, Son of Shankar Ray, Resident of Gopalwari Masharakh, Post Office+Police Station- Masharakh, District- Saran at Chapra.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise, Government of Bihar, Patna.
2. The Principal Secretary, Excise, Government of Bihar, Patna.
3. The District Magistrate, Saran at Chapra.
4. The Superintendent of Police, Saran at Chapra.
5. The Excise Superintendent, Department of excise, Saran at Chapra.
6. The Officer in charge, Marhaura Police Station, District Saran at Chapra.
7. The Sub Inspector, Gaura O.P. (Marhaura Police Station), District- Saran at Chapra.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Choudhary Shyam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 16-10-2017

Heard learned counsel for the petitioner and the State.

2. The Bolero of this petitioner bearing registration No.BR-04Q/2108 was seized in connection with Marhaura P.S. Case No.337 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 would not dispose of the said vehicle 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
Uploading Date	19.10.2017
Transmission Date	19.10.2017

