

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1237 of 2017

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

1. Ranjeet Prasad @ Ranjeet Kumar, S/o Yogendra Rai, R/o Vill. Muradpur Kashi, P.S. Bochaha, Distt.- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Home (Police), Bihar, Patna.
2. The Director General & Inspector General of Police, Bihar, Patna.
3. The Senior Superintendent of Police, Muzaffarpur.
4. The Station House Office, P.S.- Bochaha, Dist.- Muzaffarpur.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani, Advocate

For the Respondent/s : Mr. Lalit Kishore, AG

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 12-09-2017

Heard learned counsel for the petitioner and the State.

2. The petitioner has invoked the writ jurisdiction of this Court to quash the order dated 17.06.2017 passed in connection with Excise Case No.56 of 2017 by the learned 3rd Additional Sessions Judge-cum-Special Judge, Excise Act, Muzaffarpur, under the Bihar Prohibition and Excise Act, 2016. By the said order the prayer of the petitioner to release the seized vehicle, i.e., Tractor bearing registration No.BR 06GB/8920 and Trialor, have been refused on the ground that Section 60 of the Act bars the jurisdiction of the Courts.

3. Submission of the learned counsel for the petitioner is that no purpose would be served by continued detention of the vehicle; rather it would get rotten. Moreover, the jurisdiction of the



Executive Authority to exercise judicial power of confiscation and sale is subjudice before a larger Bench of this Court in **L.P.A. No.1647 of 2015 Baleshwar Roy V. The State of Bihar & Ors.** Hence, till disposal of the L.P.A. aforesaid, the vehicle, in question, be released by way of interim custody in favour of the petitioner.

4. Learned counsel for the State-respondent opposed the prayer. However, does not dispute the factual position of pendency of the L.P.A. aforesaid.

5. In the circumstances, let the above referred vehicle be released by way of ad interim custody in favour of the petitioner on execution of surety bond of Rs.3,00,000/- (Three Lacs), not in the form of cash/Bank Guarantee, along with two sureties of the like amount to the satisfaction of the authority concerned 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 order shall be subject to the result of the L.P.A. aforesaid.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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