

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2412 of 2017

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

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Mamta Devi, Wife of Sudhir Kumar @ Babloo Yadav, resident of Village-
Barbanna Raniganj, Police Station- Raniganj, District- Araria.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
 2. The Appellate Authority-cum-Excise Commissioner at New Secretariat, Patna.
 3. The Collector, Araria.
 4. The Excise Superintendent, Araria. Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Adv.

For the Respondent/s : Mr. Kumar Manish, S.C.-5.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-12-2017

Heard learned counsel for the parties.

2. This writ application has been preferred for quashing the order dated 20.09.2016/22.09.2016 passed in Confiscation Case No. 24 of 2016-17 by the Collector, Araria whereby the Collector has confiscated the Tempo of the petitioner bearing registration no. BR11T-5572 which was seized in connection with Excise Case No. 429 of 2016 for alleged violation of the Bihar Excise Law as four bottles of liquor was allegedly recovered therefrom. Further prayer is for release of the said vehicle as no purpose would be served by its continued detention of the vehicle in police lock up as well as on the ground that authority of the executive to pre-trial confiscation is under challenge before a Larger Bench of this



Court in **L.P.A. No. 1647 of 2015 (Baleshwar Roy vs. The State of Bihar & Ors.)**.

3. After hearing the parties, finding substance in the submission aforesaid, let the aforesaid vehicle be released in favour of the petitioner on execution of bank guarantee of Rs.1,00,000/- (One Lac) or document of immovable property of equal value standing in the name of the petitioner 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 or put the same under encumbrance without permission of the authority concerned and shall produce as and when required by the Court.

4. The operation of the impugned order shall remain stayed and the release shall be subject to the final result of the pending L.P.A. aforesaid.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.12.2017
Transmission Date	08.12.2017

