

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2033 of 2017

=====

Sadanand Rishi, Son of Dhiren Rishi, Resident of Village- Dogachchhi, Kewala,
P.O.- Nawabganj, P.S.- Manihari, District- Katihar.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Excise, Government of Bihar, Patna.
2. The District Magistrate, Katihar.
3. The Superintendent of Police, Katihar.
4. The Officer in Charge, Manihari Police Station, Katihar.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Adv.
: Mr. Amit Kumar Singh, Adv.
: Mr. Priya Ranjan, Adv.
For the Respondent/s : Mr. Vikash Kumar, S.C.11.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 08-11-2017

Heard learned counsel for the petitioner and the
State.

2. Commercial quantity of Mahua liquor was
recovered from the Glamour motorcycle of the petitioner bearing
Engine No. JA06EJH9A 01421, Chasis No.MBLJA06AMH9A
01522 and Manihari P.S. Case No.66 of 2017 was registered
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

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. Since commercial quantity of country-made liquor was recovered from the vehicle of the petitioner, let the same be released in favour of the petitioner by way of ad interim custody on execution of **bank guarantee of Rs.50,000/-(Fifty Thousand)** 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.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.11.2017
Transmission Date	10.11.2017

