

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 1786 of 2017

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

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Motilal Raut @ Motilal Mukhiya, Son of Sri Ugrim Raut, Resident of Village -
Pipra Bind Toli, P.S. Baikunthpur, District - Gopalganj

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Excise Deptt., Govt. of Bihar,
Patna.
2. The Collector, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. Station House Officer, Baikunthpur Police Station, District- Gopalganj.

.... Respondents

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Appearance :

For the Petitioner : Mr. Naresh Chandra Verma, Advocate

For the Respondents : Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 09-10-2017

Heard learned counsels for the parties.

The petitioner has sought for interim release of the
Bolero Jeep bearing registration no. BR 28L/7605 and Hero
Motorcycle bearing registration no. BR 28M/8163 which were seized
in connection with Baikunthpur P.S. Case No. 172 of 2016 a case
registered for alleged violation of the Bihar Excise Laws.

Submission of the learned counsel for the petitioner is
that since power of the Executive Authority to seize and confiscate is
under consideration in L.P.A. No. 1647 of 2015 (**Baleshwar Roy vs.
The State of Bihar & Ors.**) before a Larger Bench of this Court. No
purpose would be served by its continued detention of the vehicles in
police lock up.



Learned counsel for the State-respondent submits that since commercial quantity of liquor was recovered bank guarantee equal to the cost of the vehicles be ordered for interim release of the vehicles.

After hearing the parties and considering the aforesaid facts, let the aforesaid vehicles be released in favour of the petitioner, by way of ad interim custody, on execution of bank guarantee of Rs.6,00,000/- (rupees six lakhs) for release of the Bolero vehicle and bank guarantee of Rs.50,000/- (fifty thousand) for release of the motorcycle to the satisfaction of the District Magistrate, Gopalganj.

With the aforesaid observation, this writ application stands disposed off. The release shall be subject to the result of the pending L.P.A.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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