

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12827 of 2017

=====

Md. Salim Azad son of Late Samir Uddin, resident of Village- Berhari, P.S. Sadar, P.O. Pokharia, District Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Excise Department, Purnea Division, Purnea.
3. District Magistrate, Purnea.
4. Officer-in- charge, Dagaruwa Police Station, Dagaruwa.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Vikram Singh
For the Respondent/s : Mr. VIKASH KUMAR-SC11

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 20-09-2017 Issue notice.

Respondents to file counter affidavit within four weeks.

List for analogous hearing along with LPA No.1647 of 2015 and other connected cases.

Learned counsel for the petitioner prays for release of the vehicle Tempo bearing Registration No. BR-11T-4547 based on orders passed by this Court in various cases directing release of vehicles.

We find that in this case the petitioner was carrying large quantity of liquor, i.e. more than 10 liters of liquor. It seems that the petitioner was commercially dealing with the prohibited



liquor and therefore deviating from the normal rule granting release of vehicles, we direct that the vehicle of the petitioner shall be released only on the petitioner's furnishing Bank Guarantee to the satisfaction of the District Magistrate, Purnea with regard to the value of the vehicle.

Keeping in view the interim order passed in Letters Patent Appeal No.1647 of 2015 on 17.05.2016 and the question as to whether the Collector can pass an order of confiscation which is pending consideration before the Division Bench of this Court, we allow the interim prayer and direct for release of the vehicle in question, namely, Temopo bearing Registration No. BR-11T-4547 on the petitioner's furnishing Bank Guarantee to the satisfaction of the District Magistrate, Purnea with regard to the value of the vehicle and further undertaking not to alienate the vehicle or deal with it adverse to the interest to the State, and produce it before the Collector-cum-District Magistrate, Purnea as and when directed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

spandey/-

U			
---	--	--	--

