

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2006 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- NALANDA (BIHARSHARIFF)

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1. Akhilesh Kumar @ Ajay Ray @ Ajay Ram S/o Suresh Yadav, R/o Village- Bhikhochak, P.S.- Belchhi, District- Patna. At present R/o Vill.- Milkipar, P.S.- Rahui, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Excise Department, Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Nalanda at Biharsharif.
3. The Superintendent of Police, Nalanda at Biharsharif.
4. The District Supply Officer, Nalanda at Biharsharif.
5. The S.H.O. Harnaut, District- Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Prasad, Advocate

For the Respondent/s : Mrs. Nutan Kumari Sharma, AC to GA-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsel for the petitioner and the State.

2. The Motorcycle of this petitioner bearing Engine No.HA10ACHHA05196 was seized in connection with Harnaut P.S. Case No.173 of 2017 for alleged violation of the Bihar Excise Law.

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 no purpose is going to be served by continued detention of the vehicle, let the same be released in favour of the petitioner by way of ad interim custody on execution of surety bond of Rs.50,000/- (Fifty Thousand), not in the form of cash/Bank Guarantee, along with two sureties of the like amount 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.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.11.2017
Transmission Date	25.11.2017

