

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1697 of 2017

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

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Munindra Kumar @ Munindra Kumar Bhaskar son of Dinesh Singh, R/o. Mohalla-Chitkohra Basti, P.S. Gardanibag, District- Patna.

.... Petitioner/s

Versus

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

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishore Prasad, Advocate

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

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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 foreign liquor was recovered from the vehicle of the petitioner bearing registration No.BR-1Y-8677 and Chandi P.S. Case No.184 of 2017 was registered under Sections 30(a) and 37(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.** Hence, till adjudication of the aforesaid issue, the interim release of the vehicle



be ordered as no purpose is going to be served by its continued detention in police lockup.

4. Since commercial quantity of 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.3,00,000/- (Three Lacs)** 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)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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