

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2417 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- SASARAM (ROHTAS)

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Uday Pratap Singh, Son of Sri Rameshwar Singh @ Rameshwar Prasad Singh,
resident of Village- Jamrodh, Police Station- Dinara, District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise, Prohibition & Registration Department, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Rohtas at Sasaram.
3. The Superintendent of Excise, Patna.
4. The Officer In-charge, Nokha (Dharampur), Police Station, District- Rohtas.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Adv.

For the Respondent/s : Mr. Anil Kumar Sinha, G.A.-1.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-12-2017

Heard learned counsel for the parties.

2. This writ application has been preferred for quashing the notice dated 21.03.2017 passed in Confiscation Case No. 24 of 2017 by the Collector, Rohtas at Sasaram, whereby the Collector has started confiscation proceeding of the Swift Dezire Car of the petitioner bearing registration no. BR24T 1023, which was seized in connection with Nokha (Dharampura) P.S.Case No.50 of 2017, for alleged violation of the Bihar Excise Law as one bottle of foreign liquor was allegedly recovered therefrom.

3. Submission of the learned counsel of the petitioner is that the continued seizure of the vehicle would serve no purpose and its confiscation and auction would amount to pre-trial punishment, which is not permissible in law and the same issue is pending consideration 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 operation of the impugned order be stayed and interim release of the vehicle be ordered as no purpose is going to be served by its continued detention in police lockup.

4. After hearing the parties, finding substance in the submission aforesaid, let the aforesaid vehicle be released in favour of the petitioner on execution of surety bond of Rs. 5,00,000/- (Five Lacs), not in the form of bank guarantee/cash, 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 or put the same under encumbrance without permission of the authority concerned and shall produce as and when required by the Court.

5. The operation of the impugned notice and further proceeding in pursuance thereof shall remain stayed and the release shall be subject to the final result of the pending L.P.A. aforesaid.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.12.2017
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