

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2273 of 2017

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

- =====
1. Parmeshwar Yadav Son of Ram Deo Yadav Resident of Village - Dhanuki, P.S. - Lalmaniya (O.P.), District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Bihar, Patna .
2. The D.G.P. Bihar, District - Patna.
3. The Inspector General of Police, Darbhanga Commissioner, District - Darbhanga.
4. The Deputy Inspector General of Police, Darbhanga Commissioner, District - Darbhanga.
5. The Superintendent of Police Madhubani, District - Madhubani.
6. The Deputy Superintendent of Police, Phulparas, District - Madhubani.
7. The Police In-Charge of Laukha, Police Station District - Madhubani.
8. The Investigation Officer of Laukha (Lalmanian) P.S. Case No. 102 of 2017 P.S. Laukha, District - Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 28-11-2017

Heard learned counsel for the petitioner and the State.

2. The CD Delux Motorcycle of this petitioner bearing registration No.BR-7H/9039 was seized in connection with Laukha (Lalmaniyan) P.S. Case No.102 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. Commercial quantity of liquor was recovered from the vehicle of the petitioner.

5. 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 **bank guarantee of Rs.50,000/- (Fifty Thousand) or sale deed of immovable property of equal value standing in the name of the petitioner** 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.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.11.2017
Transmission Date	29.11.2017

