

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 1463 of 2017

Arising out of PS.Case No. -null Year- null Thana -null District- PATNA

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Amit Kumar, Son of Dilip Singh, Resident of Mohalla - Patliputra Colony, Patna
Mangal Deep Apartment, Police Station - Patliputra, District - Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The Secretary, Excise Department, Government of Bihar, Patna.
3. The District Magistrate-cum- Collector, Patna.
4. The Superintendent of Police, Patna.
5. The S.H.O. Khushrupur Police Station, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Lokesh Kumar Singh, Advocate

For the Respondents : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 08-09-2017

Heard learned counsels for the parties.

The petitioner claims to be owner of Tata Indigo vehicle bearing registration no. BR-01CF-2846 which was seized in connection with Khushrupur P.S. Case No. 21 of 2017 registered for alleged violation of Sections 420, 120B of the Indian Penal Code and Sections 30(a), 38, 41 of the Bihar Prohibition and Excise (Amendment) Act, 2016.

Considering the fact that no purpose is going to be served by continued detention of the vehicle as the power, of the Executive Authority to confiscate and auction the seized articles which is exercisable by a judicial authority, is under challenge before a Larger Bench in L.P.A. No. 1647 of 2015 (**Baleshwar Roy vs. The**



State of Bihar & Ors.) as well as considering the fact that different Division Benches of this Court have ordered interim release of the seized vehicle in favour of the owner of the vehicle, let the vehicle in question be released in favour of the petitioner on execution of surety bond of Rs.6,00,000/- (rupees six lakhs) (not in the form of bank guarantee or cash) along with two sureties with condition that the petitioner shall not dispose of the same without permission of the Court and shall produce the vehicle as and when required by the court.

This order shall be subject to the final result of the pending L.P.A. aforesaid.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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