

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1833 of 2017

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

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1. Mangal Chandra Sah, Son of Nageshwar Sah, Resident of Village- Laxmipur
Bhagwati, P.S.- Srinagar, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Department of Registration, Excise And Prohibition, Government of Bihar.
2. The Excise Commissioner, Bihar, Patna.
3. The District Collector, Purnea.
4. The State of Bihar through the Director General of Police, Bihar.
5. The Superintendent of Police, District Purnea.
6. The Station House Officer, Barhara, Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, 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. Twelve liters of country-made liquor kept in a bag was recovered from the motorcycle of the petitioner bearing registration No.BR-11X 9299 and Barhara P.S. Case No.44 of 2017 was registered under Section 30(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 vehicle be released in favour of the petitioner 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.50,000/- (Fifty Thousand)** 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
Uploading Date	11.10.2017
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