

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2385 of 2017

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Rajdeo Singh, S/o Musafir Singh, Resident of Village- Eguna, P.S.- Barun, District- Aurangabad (Bihar). Petitioner

Versus

1. The State of Bihar, through Principal Secretary, Excise Department, Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Aurangabad (Bihar).
3. The Superintendent of Police, Aurangabad (Bihar).
4. The District Supply Officer, Aurangabad (Bihar).
5. The S.H.O. NTPC, Khaira P.S., District- Aurangabad (Bihar).

... Respondents

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Appearance :

For the Petitioner/s : Mr. Lal Bahadur Singh, Adv.

For the Respondent/s : Mr. Vikash Kumar, S.C.-XI.

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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 order dated 18.09.2017 passed in Excise (Seizure) Case No.287 of 2017 by the Collector, Aurangabad whereby the Collector has confiscated the Mahendra Commander (Jeep) of the petitioner bearing Registration No. BR-26/9619 which was seized in connection with NTPC Khaira P.S. Case No. 22 of 2017 for alleged violation of the Bihar Excise Law. Further prayer is for release of the said vehicle as no purpose would be served by its continued detention of the vehicle in police lock up as well as on the ground that authority of the executive to pre-trial confiscation is under challenge before a Larger Bench of this Court in



L.P.A. No. 1647 of 2015 (**Baleshwar Roy vs. The State of Bihar & Ors.**).

3. 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.4,00,000/- (Four Lacs), not in the form of cash/Bank Guarantee along 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.

4. The operation of the impugned order shall remain stayed and the release shall be subject to the final result of the pending L.P.A. aforesaid.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.12.2017
Transmission Date	08.12.2017

