

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2506 of 2017

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

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Sonu Yadav @ Sonu Mahanth S/o Late Shambhu Yadav, R/o Village- Budhiatari (Bhuriatari) Bari Pokhar, P.S.- Gogri, District- Khagaria.

.... Petitioner

Versus

1. The State of Bihar, through Principal Secretary Excise Department of Bihar, Patna.
2. The Superintendent of Police Officer, Khagaria, District-Khagaria.
3. The Sub Divisional Police Officer, Gogri, P.S.- Gogri District- Khagaria.
4. The Inspector of Police- Cum S.H.O., Gogri P.S. , District- Khagaria.
5. Sri Manish Kumar Anand, S/o Not Known, Sub-Inspector of Police, Gogri Police Station, District- Khagaria and Investigating Officer of Gogri P.S. Case No.244/17 dated 24.05.2017.
6. Sri Subodh Kumar Sharma S/o Late Bajrukhi Sharma, Ward No.10, Village- Basudeopur, P.S.- Gogri, District- Khagaria, Chaukidar No.8/6-Informant of Gogri P.S. Case No.244/17.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Bhim Kumar Yadav, Adv.
For the Respondent/s : Mr. Kumar Manish, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date: 20-12-2017

Heard learned counsel for the petitioner and the State.

2. This writ application has been preferred for release of the vehicle bearing Registration No.BR34K-5788, which was seized in connection with Gogri P.S. Case No.244 of 2017 for alleged violation of the Bihar Excise Law.

3. The constitutional validity of the provisions of Sections 56, 57, 58 and 60 of the Bihar Prohibition and Excise Act, 2016 is under challenge in **Cr. W.J.C. No. 2446 of 2017 (Rahul Kumar @**



Rahul V. The State of Bihar and others) and the matter is pending before the larger Bench of this Court.

4. Hence, the respondents are directed to release the referred vehicle in favour of the petitioner on verification of the owner book 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 Cr.W.J.C. aforesaid.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.12.2017
Transmission Date	22.12.2017

