

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2509 of 2017

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

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Abhishek Kumar, S/o Raju Yadav, Resident of village- Paraiya P.S.- Barchatti
Distt.- Gaya.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The Director General of Police Govt. of Bihar, Patna.
3. The District Magistrate, Gaya.
4. The Senior Superintendent of Police, Gaya.
5. The Officer-in-Charge Barachatti Police Station.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No.1, Adv.

For the Respondent/s : Mr. Kumar Ravish, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 13-12-2017

Heard learned counsel for the petitioner and the State.

2. The petitioner is permitted to delete the second portion
of the prayer whereby quashing the FIR has been sought for.

3. This writ application has been preferred for release of
the vehicle bearing Registration No. WB-O2-S-1299, which was
seized in connection with Barachatti P.S. Case No.622 of 2017 for
alleged violation of the Bihar Excise Law.

4. 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.

5. Hence, the respondents are directed to release the referred vehicle in favour of the petitioner by way of ad interim custody on execution of **bank guarantee of Rs.8,00,000/- (Eight Lac) 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.

6. Further proceeding of confiscation case, if any, shall remain stayed till disposal of the Cr.W.J.C. aforesaid and shall be subject to the Cr.W.J.C. aforesaid.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.12.2017
Transmission Date	18.12.2017

