

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2432 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- NALANDA (BIHARSHARIFF)

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Sagar Kumar, Son of Tanik Chauhan, at the resident of Village- Mai, Post- Mai Farida, Police Station- Rahui, District- Nalanda.

.... Petitioner

Versus

1. The State of Bihar.
2. The Commissioner, Excise, Patna, Bihar.
3. The Collector, Nalanda.
4. The Superintendent of Police, Nalanda.
5. The Officer-in-Charge of P.S. Telmar (Harnaut).

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Kumar Ranjit Ranjan, Adv.

For the Respondent/s : Mr. Vivek Prasad. G.P.-7

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 13-12-2017

Heard learned counsel for the parties.

2. This writ application has been preferred for quashing the order dated 02.07.2017 passed in Confiscation Case No. 30 of 2017 arising out of Harnaut (Telmar) Nalanda Excise Case No. 33 of 2017 by the Collector, Nalanda, whereby the Collector has confiscated the motorcycle of the petitioner bearing Registration No.BR21M 5981 which was seized for alleged violation of the Excise Laws.

3. Submission of the learned counsel for the petitioner is that the provisions of the Bihar Prohibition and Excise Acts relating to confiscation etc. are challenged as constitutionally invalid law in Cr.W.J.C.No.2333 of 2017 and



Cr.W.J.C.No. 2446 of 2017. Hence, till adjudication of the aforesaid issue, operation of the impugned order be stayed and the vehicle be leased in favour of the petitioner.

4. After hearing the parties, finding substance in the submission aforesaid, let the aforesaid vehicle be released in favour of the petitioner on execution of bank guarantee of Rs.50,000/-(Fifty Thousand) or document 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 or put the same under encumbrance without permission of the authority concerned and shall produce as and when required by the Court.

5. The operation of the impugned order shall remain stayed and the release shall be subject to the final result of the pending Criminal writ applications aforesaid.

6. 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

