

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2108 of 2017

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

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1. Amla Devi, W/o Bindeshwari Tani, Resident of Village- Rankodih, P.S.-
Muffasil, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Excise Department, Bihar, Patna.
2. The Divisional Commissioner, Excise Department, Munger Division, Munger.
3. The Collector-cum-District Magistrate, Khagaria.
4. The Superintendent of Police, Khagaria.
5. The Dy. S.P. Khagaria
6. Santosh Kumar Sharma, Officer-in-Charge, Town P.S. Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate
For the Respondent/s : Mr. Lalit Kishore, AG

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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. The petitioner has invoked the writ jurisdiction of this Court to quash the order dated 13.06.2017 passed in connection with Excise Confiscation Case No.7 of 2017-18 by the Collector, Khagaria, under the Bihar Prohibition and Excise Act, 2016. By the said order the prayer of the petitioner to release the seized vehicle bearing registration No.BR-34K/0748, which was seized in connection with Khagaria P.S. Case No.211 of 2017, has been refused and the referred vehicle has been confiscated.

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 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.

5. Further proceeding of Excise Confiscation Case No.7 of 2017-18 shall remain stayed till disposal of the Cr.W.J.C. aforesaid and shall be subject to the Cr.W.J.C. aforesaid.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.12.2017
Transmission Date	21.12.2017

