

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2456 of 2017

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

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Rupesh Kumar S/o Parmedshwari Yadav, R/o Village- Gospur, P.S.- Salkhua,
District- Saharsa.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Govt. of Bihar , Patna.
2. The District Magistrate, Saharsa.
3. The Superintendent of Police, Saharsa.
4. The Officer In Charge, Bakhtiyarpur, District- Saharsa.
5. The State of Bihar through Principal Secretary , Excise Department Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Md.Harun Quareshi, Adv.

For the Respondent/s : Mr. Vikash Kumar, S.C.-1.

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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 has invoked the writ jurisdiction of this Court to quash the order dated 11.07.2017 passed in connection with Confiscation Case No. 15 of 2017-18 by the learned District Magistrate, Saharsa, under the Bihar Prohibition and Excise Act, 2016. Further prayer for release of the vehicle bearing Registration No.BR-19J-6717, which was seized in connection with Bakhtiyarpur P.S. Case No.405 of 2016 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 by way of ad interim custody 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 without permission of the authority concerned and shall produce as and when required by the Court.

5. Further proceeding of Confiscation Case No. 15 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)

Nitesh/-

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

