

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2601 of 2017

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

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Saket Kumar Jha, Son of Manikant Jha, Resident of Village & P.S.- Barari, District-
Katihar.

.... Petitioner

Versus

1. The State of Bihar through its Principal Secretary Department of Registration, Excise and Prohibition, Government of Bihar.
2. The Excise Commissioner, Bihar, Patna.
3. The Collector cum the District Magistrate, Purnia.
4. The Station Head Officer, Sadar P.S., Purnia.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Adv.

For the Respondent/s : Mr. Vikash Kumar, S.C.11.

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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 quashing the order dated 12.09.2017 passed in Excise Case No.194 of 2017 by the Collector, Purnea whereby the Collector has ordered to confiscate the vehicle of the petitioner bearing Registration No. BR-11G-4899 which was seized in connection with Purnea Sadar P.S. Case No. 189 of 2017 for alleged violation of the Bihar Excise Law. Further prayer is for release of the said vehicle.

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.3,00,000/- (Three 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.

5. Further proceeding of Excise Case No.194 of 2017 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	22.12.2017
Transmission Date	22.12.2017

