

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2575 of 2017

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

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Abhishek Sharma, Son of Shankar Sharma, Manager Jet Road Lines (India) Private Limited P-2 New CDT Road Kolkata (West Bengal).

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home (Police) Government of Bihar, Patna.
2. The Principal Secretary, Department of Excise, Government of Bihar, Patna.
3. The Collector, Gaya.
4. The Senior Superintendent of Police, Gaya.
5. The Officer in charge of Barachatty Police Station, District- Gaya.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Adv.

For the Respondent/s : Mr. Deepak Kumar, A.C. to S.C.5.

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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 release of the vehicle bearing Registration No.GJ01DX-7796, which was seized in connection with Barachatty P.S. Case No.577 of 2017 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.15,00,000/- (Fifteen Lacs) 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.295 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

