

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2300 of 2017

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

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Toni Kumar @ Tonni Kumar, Son of Sanjay Ram, resident of Village - Chhapariya,
Ward No. 24, Police Station Gopalganj (Town), District Gopalganj

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Excise, Government of Bihar, Patna
2. The Principal Secretary Excise, Government of Bihar, Patna.
3. The District Magistrate, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Excise Superintendent, District- Gopalganj.
6. The Officer In Charge, Police Station Gopalganj (Town), District- Gopalganj.

.... Respondents

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Appearance :

For the Petitioner : Mr. Choudhary Shyam Nandan, Advocate

For the Respondents : Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 13-12-2017

Heard learned counsel for the parties.

2. The vehicle of the petitioner bearing registration no. BR28 L 3931 was seized on 10.04.2017 in connection with Gopalganj (Town) P.S. Case No. 133 of 2017 for alleged violation of the Excise Law punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 as the same was carrying liquor.

3. Since constitutional validity of Sections 56, 57, 58 and 60 of the Act is under challenge and the matter is pending before a Larger Bench in Cr.W.J.C. No. 2446 of 2017 (**Rahul Kumar @**



Rahul Vs. The State of Bihar & Ors.), let the aforesaid vehicle in question be released in favour of the petitioner as ad interim custody on execution of bank guarantee of Rs.7,00,000/- (rupees seven lakhs) or 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.

4. The operation of confiscation proceeding, if any, pending or order of confiscation, if any, found in respect of the said vehicle shall remain in abeyance till disposal of the Cr.W.J.C. aforesaid and the same shall be subject to the final result of the Cr.W.J.C.

5. With the aforesaid observation and direction, this writ application, accordingly, disposed of.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	16.12.2017
Transmission Date	16.12.2017

