

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2545 of 2017

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

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1. Jeetendra Kumar Verma @ Jitendra Kumar, Son of Shivji Sonar @ Shivli Prasad, resident of Mohalla- Sonar Toli, New Bhojpur, P.S.- Dumrao (New Bhojpur O.P.), District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Excise Department, Patna.
2. The Collector/ District Magistrate, Buxar.
3. The Excise Commissioner, Buxar.
4. The Superintendent of Police, Buxar.
5. The Superintendent of Excise, Buxar.
6. The Excise Inspector, Dumrao Anchal, District- Buxar.
7. The S.H.O. of New Bhojpur O.P. District- Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Respondent/s : Mr. Vivek Prasad, GP-7

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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. This writ application has been preferred for quashing the order dated 23.05.2017 passed by the learned Special Judge in Excise Prosecution-cum-Complaint Case No.346(0) of 2016, under the Bihar Prohibition and Excise Act, 2016, whereby the learned Special Judge, Excise Act, Buxar, has refused the prayer of the petitioner to release two semi automatic packing machines said to be used for packing the excise materials. The prayer has been refused mainly on the ground that the Act bars jurisdiction of the Courts in



such matter.

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 both the machines in favour of the petitioner on execution of surety bond of Rs.1,00,000/- (One lac), for both the machines, not in the form of cash/Bank Guarantee, along with two sureties of the like amount 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 machine without permission of the authority concerned and shall produce as and when required by the Court.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.12.2017
Transmission Date	15.12.2017

