

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2537 of 2017

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

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Ashok Kumar Singh, Son of Ramashray Singh, Resident of Village- Ardewa, P.S.-
Taraiya, District- Saran.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Excise Department, Bihar, Patna.
2. The District Magistrate, Saran at Chapra.
3. The Superintendent of Police, Saran at Chapra.
4. The Police Inspector-cum-Officer Incharge, Taraiya, District- Saran.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Adv.

For the Respondent/s : Mr. Kumar Manish, S.C.-5.

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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 18.10.2017 passed in Taraiya P.S. Case No.238 of 2017 by the learned Additional District Judge-VI-cum-Special Judge, Excise, Saran at Chapra. By the said order the prayer for release of the vehicle of the petitioner bearing Registration No.BR-06AT-3898, which was seized in the aforesaid case for alleged violation of the Bihar Excise Law, has been refused.

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 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 confiscation proceeding, if any, 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.

i(Birendra Kumar, J)

Nitesh/-

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

