

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Writ Jurisdiction Case No.2542 of 2017**

Arising Out of PS.Case No. -null Year- null Thana -null District-  
EASTCHAMPARAN(MOTIHARI)

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Upendra Kumar @ Upendra Kumar Sahani son of Sri Bujhawan Sahani resident of  
village - Jugauliya Kharsal, P.O. Rupani, Police Station - Madhuban, District - East  
Champaran.

.... .... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Excise Department, Govt. of Bihar, Patna.
2. The Superintendent of Police, District - East Champaran at Motihari.
3. The Officer Incharge, Mehshi Police Station, District - East Champaran.

.... .... Respondents

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**Appearance :**

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

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

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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 8.09.2017 passed in Mehshi P.S. Case No.185 of 2016 by the Special Judge, Excise East Champaran whereby the Special Judge has refused to release the vehicle of the petitioner bearing Registration No. BR06AQ-1667 which was seized in connection with Mehshi P.S. Case No. 185 of 2016 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 surety bond of Rs.5,00,000/-(Five Lacs) along with two sureties of the like amount (not in the form of bank guarantee or cash), 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. The release would be subject to the final result of the Cr.W.J.C. aforesaid.

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

**(Birendra Kumar, J)**

Nitesh/-

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