

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 1485 of 2017

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

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Zishan Ahmad @ Rajan, Son of Sofi Ahmed, Resident of Village - Azadnagar,
Ward No. 23, Police Station Araria, District Araria

.... Petitioner

Versus

1. The State of Bihar through the Collector, Araria.
 2. The District Magistrate, Araria.
 3. The Principal Secretary, Excise Department, New Secretariat, District - Patna.
- Respondents
- =====

Appearance :

For the Petitioner : Mr. Awadhesh Kumar Mishra, 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. This writ application has been preferred for quashing the order dated 17.02.2017 passed in Confiscation Case No. 31 of 2016-17 by the District Magistrate, Araria in connection with Araria P.S. Case No. 641 of 2016 whereby vehicle of this petitioner bearing registration no. BR38J-7864 was confiscated as the same was carrying liquor.

3. Since constitutional validity of the provisions under Sections 56, 57, 58 and 60 of the Bihar Prohibition and Excise Act, 2016 relating to confiscation 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.5,00,000/- (rupees five 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, if the vehicle has not been auctioned as on today.

4. In the meantime, operation of the impugned order dated 17.02.2017 shall remain stayed and the release shall be subject to the final result of the pending Cr.W.J.C. aforesaid.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

