

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2727 of 2017

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

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Ajit Ranjan Singh @ Dablu Yadav, Son of Dindyal Prasad, Resident of Mohalla -
Lodipur, P.S. - Buddha Colony, District - Patna

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Excise and Prohibition Department, Bihar, Patna.
2. The Collector, Patna.
3. Senior Superintendent of Police, Patna.
4. Station House Officer, Budda Colony Police Station, District - Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Naresh Chandra Verma, Advocate

For the Respondents : 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 parties.

2. The petitioner claims to be owner of the vehicle bearing registration no. BR01PE/3034 which was seized in connection with Buddha Colony P.S. Case No. 212 of 2017 registered under Sections 272, 273/34 of the Indian Penal Code as well as Section 30(A) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the “Act”) as the same was carrying 270 litres of foreign liquor. Subsequently, confiscation Case No. 550 of 2017 was initiated by the Collector, Patna.

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.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.

4. Let operation of the confiscation proceeding remain in abeyance till disposal of the Cr.W.J.C. aforesaid and shall be subject to the final result of the pending Cr.W.J.C.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	22.12.2017
Transmission Date	22.12.2017

