

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2571 of 2017

Arising Out of P.S.Case No. -null Year- null Thana -null District- KHAGARIA

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Bindeshwari Sah, Son of Late Kari Sah, Resident of Village- Marar Dakshini, P.S.-
Morkahi, District- Khagaria. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Bihar, Patna.
 2. The District Magistrate, Khagaria.
 3. The Superintendent of Police, Khagaria.
 4. The District Supply Officer, Khagaria.
 5. The S.H.O. Morkahi, P.S.- Morkahi, District- Khagaria. Respondents
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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Adv.
For the Respondent/s : Mr. Vikash Kumar, Adv.

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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 release of the vehicle (E-Rikshaw), which was seized in connection with Morkahi P.S. Case No.131 of 2017 for alleged violation of the Bihar Excise Law. Further prayer for quashing the impugned order dated 20.09.2017 passed in Morkahi P.S. Case No.131 of 2017, the learned Additional Sessions Judge, 3rd, Khagaria, refused to release the vehicle in favour of the petitioner in the light of Section 60 of the Bihar Prohibition and Excise Act, 2016.

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.1,00,000/- (One Lac) 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. With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.12.2017
Transmission Date	22.12.2017

