

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2614 of 2017

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

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1. Vishal Tiwari S/o Pramod Kumar Tiwari, R/o Village- Sompur Matauli, P.S.-
Katra, District- Muzaaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Department of Excise,
Government of Bihar, Patna.
2. The District Magistrate, Muzaaffarpur.
3. The Superintendent of Excise, Muzaaffarpur.
4. The Officer Incharge of Katra P.S., Muzaaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Ravi Ranjan, Advocate

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

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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 09.10.2017 passed in Confiscation Case No.170 of 2017. By the said order the learned Collector, Muzaaffarpur, has refused the prayer for release of the vehicle bearing registration No.BR06PC/5190 of the petitioner, which was seized in connection with Katra P.S. Case No.86 of 2017 for alleged violation of the Bihar Excise Law and directed to confiscate the 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, by way of ad interim custody, let the vehicle, in question, be released in favour of the petitioner on execution of **bank guarantee of Rs.5,00,000/- (Five Lacs) 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. Let operation of the impugned order remain in abeyance till disposal of the Cr.W.J.C. aforesaid and shall be subject to the result of the Cr.W.J.C. aforesaid.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	
CAV DATE	NA
Uploading Date	
Transmission	



Date	
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