

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2660 of 2017

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

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Prime Mover Mobility Technologies Pvt. Ltd., 2nd Floor, 9 DDA Local Shopping Complex, Okhla, Phase-II, P.S. Okhla, New Delhi through its Authorised representative namely Mukesh Kumar, Son of Sri Ram Kumar, Resident of 352 E/10B, Munerika, Basant Vihar, South Delhi, Administrator cum Fleet Manager, Prime Mover Mobility Technologies Pvt. Ltd.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Patna.
2. The District Magistrate, Darbhanga.
3. The Senior Superintendent of Police, Darbhanga.
4. The Excise Superintendent, Darbhanga.
5. The Officer Incharge of Bahera Police Station, Darbhanga

.... Respondents

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Appearance :

For the Petitioner : Mr. Rana Vikram Singh, Advocate

For the Respondents : Mr. P.N. Shahi, AAG-6

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 20-12-2017

Heard learned counsel for the parties.

2. This writ application has been preferred for quashing the order dated 18.10.2017 passed in Excise Confiscation Case No. 07 of 2017 by the District Magistrate, Darbhanga in connection with Bahera P.S. Case No. 335 of 2016 whereby vehicle of this petitioner bearing registration no. DLIN-9403 was confiscated as the same was carrying 24 bottles of foreign liquor each containing 750 ml.

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.

4. In the meantime, operation of the impugned order dated 18.10.2017 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, accordingly, disposed of.

(Birendra Kumar, J)

Kundan/-

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

