

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2387 of 2017

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

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Rajesh Kumar, S/o Hare Ram Singh, R/o Vill. - Naokothi, P.S. - Naokothi, Distt. - Begusarai

.... Petitioner

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The District Magistrate, Begusarai.
3. The Superintendent of Excise Department, Begusarai.
4. The Officer in Charge Cheria Bariarpur, P.S. - Begusarai.

.... Respondents

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Appearance :

For the Petitioner : Mr. Shubhesh Pandey, Advocate

For the Respondents : Mr. Vikash Kumar, SC-XI

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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 filed for release of the vehicle bearing registration no. BR-09P-3409 which was seized in connection with Cheriabariyarpur (Manjhaul) P.S. Case No. 133 of 2017 for the alleged violation of Section 414 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”).

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.3,00,000/- (rupees three 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. 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	16.12.2017
Transmission Date	16.12.2017

