

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2513 of 2017

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

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Dharmendra Yadav, Son of Umashankar Yadav, Resident of Village- Endapur,
P.S.- Daraundra, District- Siwan, at present Bypass Road Chorda Jajpur Road
Jajpur, P.S.- Jajpur, Odisha.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise, Government of Bihar, Patna.
2. The Principal Secretary, Excise, Government of Bihar, Patna.
3. The District Magistrate, Siwan.
4. The Superintendent of Police, Siwan.
5. The Excise Superintendent, Department of Excise, Siwan.
6. The Officer in Charge, Goriakothi, District Siwan.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Adv.
For the Respondent/s : Mr. Kumar Manish, Adv.

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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 release of the vehicle bearing Registration No.OR04N 0887, which was seized in connection with Goriakothi P.S.Case No.154 of 2017 registered under Sections 272, 273 and 308 of the Indian Penal Code and 30(i) , 41(i) for alleged violation of the Bihar Excise Law.

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.15,00,000/- (Rupees Fifteen Lakhs) 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. The release shall be subject to the result of the Cr.W.J.C. aforesaid.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.12.2017
Transmission Date	18.12.2017

