

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Writ Jurisdiction Case No.2469 of 2017**

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

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1. Amresh Ram Son of Kamal Ram Resident of Vilage- Ward No. 12, Obra, P.S. Obra, District- Aurangabad.

.... .... Petitioner/s

Versus

1. The State of Bihar Through The Secretary Department of Excise Government of Bihar, Patna
2. The District Magistrate Aurangabad.
3. The Superintendent of Police, Aurangabad.
4. The Officer in Charge, Obra Police Station District Aurangabad.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Dr. Leelawati Kumari, Advocate

For the Respondent/s : Mr. Kumar Ravish, Advocate

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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 bearing registration No.BR-26K/3754, which was seized in connection with Excise Case No.297 of 2016 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.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)**

Mkr./-

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| AFR/NAFR          | NAFR       |
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