

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2612 of 2017

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

=====

Amod Kumar Singh S/o Sri Ram Janam Singh, R/o Mohalla- Ayachi Gram Kolhua Pagambarpur, P.O.- MIT Muzaffarpur, P.S.- Ahiyapur , District- Muzaffarpur, Native Village- Mathurapur, P.O.- Mohjama Via Gyaspur, P.S.- Paroo, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Bihar, Patna.
2. The Collector Cum District Magistrate, Muzaffarpur.
3. The Senior Superintendent of Police Muzaffarpur.
4. The S.P. Muzaffarpur.
5. The Officer Incharge P.S.+P.O. Paroo , District- Muzaffarpur.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Adv.

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

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 20-12-2017

Heard learned counsel for the petitioner and the State.

2. The motorcycle bearing Registration No.BR06BC-7571 of the petitioner was seized in connection with Paroo P.S. Case No.127 of 2017 for alleged violation of the Bihar Excise Law. Subsequently by order dated 10.08.2017 passed in Confiscation Case No. 122 of 2017-18, the said vehicle was confiscated by the Collector, Muzaffarpur and the aforesaid order is under challenged in this writ application. Further prayer is for interim release of 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, the respondents are directed to release the referred vehicle in favour of the petitioner by way of ad interim custody on execution of surety bond of Rs.50,000/-(rupees fifty thousand) (not in the form of bank guarantee or cash) along with two sureties of the like amount 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.

5. The operation of the impugned order shall remain stayed till disposal of the Cr.W.J.C. aforesaid and shall be subject to the Cr.W.J.C. aforesaid.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.12.2017
Transmission Date	22.12.2017

