

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2527 of 2017

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

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Jwala Prasad Singh, son of Sudama Prasad Singh, Resident of Village- Lalpur,
P.S.- Jasidih, District- Deoghar (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The District Magistrate, Banka.
3. The Superintendent of Police, Banka.
4. The S.H.O. Chandan Police Station, District- Banka.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Prasad Singh, Adv.
For the Respondent/s : Mr. Anil Kumar Sinha, G.A.-1.
: Mr.Kumar Ravish, 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. JH15K 2850, which was seized in connection with Chandan P.S. Case No.148 of 2016 corresponding to G.R.No.3578 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.5,00,000/- (Five 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. Further proceeding of confiscation proceeding, if any, 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	18.12.2017
Transmission Date	18.12.2017

