

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2455 of 2017

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

=====

Smt. Jayshri @ Jayshri D/o Jairam Prasad Sinha, W/o Rakesh Kumar , R/o Quarter
No. CD/499, Sector-3. H.E.C. Colony, P.S.- Dhurwa, District- Ranchi, (Jharkhand).

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary Excise Department Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. The S.P. East, Patna.
5. Sub Divisional Police Officer, Masaurhi, Patna.
6. Officer In Charge of Dhanarua P.S., Patna.
7. ,Investigating Officer of Dhanarua, P.S. Case No.139 of 2017, P.S. Dhanarua, District- Patna.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Pramod Rajpati, Adv.

For the Respondent/s : Mr. Vivek Prasad, Adv.

=====

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. JH0AV 0999 which was seized in connection with Dhanarua P.S. Case No. 139 of 2017 for the alleged violation of the Bihar Excise Law.

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.12,00,000/- (rupees twelve lakhs) or document 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 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)

Nitesh/-

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

