

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

**Criminal Writ Jurisdiction Case No. 2713 of 2017**

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

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Biren Ram @ Birendra Ram, S/o Jhagaru Ram @ Jhangtu Ram, Resident of Village  
Chhipaliya, P.O. Chaurghata, P.S. Baruraj, District Muzaffarpur

.... .... Petitioner

Versus

1. The State of Bihar through its Chief Secretary Old Secretariat, Patna.
2. The Principal Secretary, Department of Excise, Bihar, Patna.
3. The Principal Secretary, Home Police, Bihar, Patna.
4. The District Collector, Muzaffarpur, District - Muzaffarpur.
5. The Superintendent of Police, Muzaffarpur, District - Muzaffarpur.
6. S.H.O. Baruraj P.S. District Muzaffarpur

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Nitu Kumari, Advocate

For the Respondents : Mr. Vikash Kumar, SC-11

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**

**ORAL JUDGMENT**

**Date: 20-12-2017**

Heard learned counsel for the parties.

2. This writ application has been filed for release of the vehicle bearing registration no. BR05N-5338 which was seized in connection with Baruraj P.S. Case No. 133 of 2017 as the same was carrying 2 litre of country made liquor.

3. Since constitutional validity of Sections 56, 57, 58 and 60 of the Bihar Prohibition and Excise Act, 2016 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.50,000/- (rupees fifty thousand) or 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)**

Kundan/-

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| AFR/NAFR          | N.A.       |
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