

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2711 of 2017

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

Prasadi Yadav, Son of Gango Yadav, Resident of Village - Navadih, P.S. -
Akbarpur, District – Nawada Petitioner

Versus

1. The State of Bihar through the Principal Secretary Excise Department, Patna, Bihar.
2. The Collector/District Magistrate, Nawada.
3. The Senior Superintendent of Police, Nawada.
4. The O/C Govindpur P.S. District - Nawada.
5. Sri Bimlesh Kumar A.S.I. Govindpur, P.S. Nawada.

.... Respondents

Appearance :

For the Petitioner : Mr. Man Mohan Kumar, Advocate
Mr. Jai Shankar Prasad, Advocate

For the Respondents : Mr. Kumar Ravish, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 20-12-2017

Heard learned counsel for the parties.

2. This writ application has been preferred for quashing the notice dated 11.04.2017 vide Annexure-2 issued in connection with Case No. 58(M) of 2017 arising out of Govindpur P.S. Case No. 08 of 2017 whereby the Collector, Nawada has asked the petitioner to explain as to why his motorcycle bearing registration no. BR27B-5393 be not confiscated.

3. Since constitutional validity of the provisions under Sections 56, 57, 58 and 60 of the Bihar Prohibition and Excise Act, 2016 relating to confiscation 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. In the meantime, operation of the impugned order dated 11.04.2017 shall remain stayed and 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/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	22.12.2017
Transmission Date	22.12.2017

