

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2372 of 2017

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

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Sanjeet Paswan @ Sanjeev Paswan, aged about 32 Years, S/o Shri Upendra
Paswan, R/o Village - Ajan, P.S. - Supaul, District - Supaul

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Patna.
2. The District Magistrate, Supaul.
3. The Superintendent of Police, Supaul.
4. The Officer In Charge of Chatapur, P.S., District- Supaul.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ranjit Jha, Advocate

For the Respondents : Mr. Kumar Ravish, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 13-12-2017

Heard learned counsel for the parties.

2. The vehicle of the petitioner bearing registration no.
BR-11PA-4189 was seized on 23.09.2017 in connection with
Chatapur P.S. Case No. 332 of 2017 for alleged violation of the
Excise Law punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016 as the same was carrying liquor.

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.7,00,000/- (rupees seven lakhs) 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/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	16.12.2017
Transmission Date	16.12.2017

