

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 2714 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- NALANDA (BIHARSHARIFF)

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Manjeet Kumar, Son of Laxman Sao, Resident of Village - Rarhil, P.S. - Telhara,
District - Nalanda

.... Petitioner

Versus

1. The State of Bihar, through Principal Secretary, Excise Department,
Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Nalanda.
3. The Superintendent of Police, Nalanda.
4. The S.H.O./Officer in Charge, Police Station Telhara, District- Nalanda.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Mishra, Advocate
Mr. Ashok Kumar, Advocate

For the Respondents : Mr. Kumar Ravish, Advocate

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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. BR-25C-2777 which was seized in connection with Telhara P.S. Case No. 126 of 2017. Further prayer is for quashing the order dated 02.11.2017 passed in the aforesaid case by the learned Special Judge (Excise), Nalanda Bihar Sharif whereby prayer for interim release was refused on the ground that Section 60 of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act') bars jurisdiction of the Court in such matter.

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.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/-

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

