

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2477 of 2017

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

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Vijay Choudhary Son of Dharam Nath Choudhary Resident of Mohalla- Sudin Chowk Tatma Toili Maghi Colony, P.S. K Hat, District- Purnea.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna.
2. The District Magistrate Cum- Collector, Purnea.
3. Superintendent of Police,Purnea.
4. The Excise Commissioner, Bihar, Purnea.
5. Officer In charge K Hat(Sahayak).

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.
For the Respondent/s : Mr. Kumar Manish, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 13-12-2017

Heard learned counsel for the petitioner and the State.

2. This writ application has been preferred for quashing the order dated 11.08.2017 passed in Excise Case No. 159 of 2017 by the Collector, Purnea whereby the Collector has confiscated the vehicle of the petitioner bearing Registration No. BR 11 PA-0589 which was seized in connection with K.Hat P.S. Case No. 392 of 2017 for alleged violation of the Bihar Excise Law. Further prayer is for release of the aforesaid vehicle.

3. The constitutional validity of the provisions of Sections 56, 57, 58 and 60 of the Bihar Prohibition and Excise Act, 2016 is



under challenge in **Cr. W.J.C. No. 2446 of 2017 (Rahul Kumar @ Rahul V. The State of Bihar and others)** and the matter is pending before the larger Bench of this Court.

4. Hence, the respondents are directed to release the referred vehicle in favour of the petitioner by way of ad interim custody on execution of **bank guarantee of Rs.1,00,000/- (One Lac) or sale deed 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 without permission of the authority concerned and shall produce as and when required by the Court.

5. Further proceeding of Excise Case No. 159 of 2017 shall remain stayed till disposal of the Cr.W.J.C. aforesaid and shall be subject to the Cr.W.J.C. aforesaid.

6. With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Nitesh/-

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

