

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17688 of 2017

Sanjay Rajak, S/o Sri Nagina Rajak, Resident of Bari Nagla, Madhomill, P.S.
Malsalami, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Bihar, Patna
2. The Collector-cum-District Magistrate, Patna
3. The Excise Commissioner, Patna
4. The Senior Superintendent of Police, Patna
5. The Superintendent of Police, Patna
6. The Superintendent of Excise, Patna
7. The Officer-in-charge of Malsalami Police Station, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Nityanand Kumar, Advocate
For the Respondent/s : Mr. KUMAR MANISH -SC5

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 11-12-2017 This writ petition has been filed for release of Tempo bearing Registration No. BR-01PF 7033, which has been seized in connection with Special Case No. 5015/2017 arising out of Malsalami P.S. Case No. 195 of 2017 for violation of the Bihar Prohibition and Excise Act, 2016. The prayer made in the writ petition is to release the vehicle in question pending finalization of the confiscation proceedings and criminal case.

Seeking release of the vehicle in question, this writ petition has been filed and it is common ground that in various cases, similar petitions have been allowed and pending



finalization of the confiscation proceedings, seized vehicle has been directed to be released.

Keeping in view the aforesaid, this petition is also allowed and the vehicle in question, i.e. Tempo bearing Registration No. BR-01PF 7033 shall be released to the petitioner on his furnishing two sureties to the satisfaction of the District Magistrate, Patna, subject to the condition that the petitioner shall make available the vehicle in question before the authority concerned as and when directed and further that he shall undertake not to alienate the vehicle or deal with it in any manner whatsoever during the pendency of the confiscation proceedings before the District Magistrate, Patna so as to cause adverse effect or prejudice to the State Government.

With the aforesaid, the petition stands disposed of

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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