

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18292 of 2017

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1. Sunil Jha S/o Dinbandhu Jha
2. Sumit Kumar Jha S/o Sunil Jha
Both Residents of ADB, Ashram Road, Ward No. 14, Araria, P.S. and District Araria.

.... Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Excise and Prohibition New Secretariat Building Bailey Road, Patna-800001
2. The Collector, Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kanti Jha, Advocate
Mr. Navin Kumar, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 20-12-2017 This writ petition has been filed for release of vehicle in question (Yamaha, Motorcycle) bearing Registration No. BR 38J-228 and Samsung J7 Mobile, which have been seized in connection with Araria P.S. Case No. 608 of 2017 due to violation of the Excise Act. The confiscation proceedings are pending and the prayer made in the writ petition is to release the vehicle in question pending finalization of the confiscation proceedings and criminal case.

It is common ground that in various cases, identical in nature, pending finalization of the confiscation proceedings vehicles have been directed to be released by this Court on various



conditions and we see no reason to make a deviation in the present case.

Keeping in view the aforesaid, it is directed that pending finalization of the aforesaid confiscation proceedings and criminal case, the aforesaid vehicle and mobile in question shall be released to the petitioners on their furnishing two surety bonds to the satisfaction of District Magistrate, Araria within a period of one week from the date of furnishing the sureties and further undertaking to produce the vehicle and Mobile as and when directed by the District Magistrate, Araria and not to alienate or deal with the vehicle in question during the pendency of the confiscation proceedings and criminal case.

With the aforesaid, the writ petition stands allowed and disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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