

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16403 of 2017**

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Rupesh Rathore, Son of Kuldeep Yadav resident of Village- Kanhaili, P.S.-  
Narpatganj, District- Araria.

.... .... Petitioner/s

Versus

1. The State of Bihar represented through the Principal Secretary-cum-Commissioner, Department of Excise, Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Araria
4. The Superintendent of Police, Araria
5. The Superintendent of Excise, Araria
6. The Officer-in-Chrg, Fulkaha Police Station, District- Araria.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Kumar Ravish, Advocate  
Mr. Sanjay Kumar Sharma, Advocate

For the Respondent/s : Mr. Anil Kumar Sinha, GA - 1

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR  
UPADHYAY**

**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

2      15-11-2017

This writ petition has been filed for release of a vehicle in question (TVS Apache Motorcycle) bearing Registration No. BR 38 J 9152, which has been seized in connection with Fulkaha P.S. Case No. 100 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 confiscation proceedings and aforesaid criminal case, the aforesaid vehicle in question shall be released to the petitioner on his furnishing two surety bonds to the satisfaction of District Magistrate, Araria and further undertaking to produce the vehicle 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)**

Uday/-

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