

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18605 of 2017

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Rakesh Kumar @ Rakesh Kumar Ray, Son of Dineshwar Prasad @
Dineshwar Rai, resident of Village - Chakmakho Takia, Khodaibagh, P.S. -
Khaira, District - Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Saran at Chapra.
3. The Assistant Excise Commissioner, Saran at Chapra.
4. The Superintendent of Excise, Saran at Chapra.
5. The Superintendent of Police, Saran at Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Respondent/s : Mr. AC to AG

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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 a vehicle in question (Honda OPT Max Motorcycle) bearing Registration No. BR 04N- 6163, which has been seized in connection with Khaira P.S. Case No. 117 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 Bank guarantee equivalent to the value of the motorcycle to the satisfaction of District Magistrate, Saran at Chapra within a period of one week from the date of furnishing the bank guarantee and further undertaking to produce the vehicle as and when directed by the District Magistrate, Saran at Chapra 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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