

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17897 of 2017

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Birendra Kumar @ Virendra Kumar, son of Sri Babulal Prasad, Resident of
Village- Raipur, P.S. Veldhi, District- Saran

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Excise
Department, Government of Bihar, Patna
2. The Collector, Vaishali
3. The Superintendent of Police, Vaishali
4. The Police Inspector Sah Thanadhyaksha, Industrial Area, Police
Station Hajipur, District Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ganga Prasad Bimal, Advocate
For the Respondent/s : Mr. VIVEK PRASAD - GP -7

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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 Apache
Motorcycle bearing Registration No. BR-31Q- 4278, which has
been seized in connection with Confiscation (Excise) Case No.
84 of 2017 arising out of Industrial Area (Vaishali) P.S. Case
No. 25 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. Appache Motorcycle bearing Registration No. BR-31Q- 4278 shall be released to the petitioner on his furnishing two sureties to the satisfaction of the District Magistrate, Vaishali at Hajipur, 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, Vaishali 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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