

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9945 of 2017

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Madhukant Jha, S/o Sri Sobhakant Jha, resident of Village & P.O.- Ganeshpur,
P.S.- K- Nagar, District- Purnea (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Collector-cum-District Magistrate, Purnea, District- Purnea.
4. The Superintendent of Excise, Purnea, District- Purnea.
5. The S.H.O., K. Nagar Police Station, District- Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishore Prasad

For the Respondent/s : Mr. Kumar Pankaj, AC to SC5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 25-07-2017

Pending finalization of proceedings for offences under the Bihar Prohibition and Excise Act, 2016 in a case registered against the petitioner being K. Nagar Police Station No. 98 of 2017, this application has been filed for release of a vehicle, namely, Kwid (Renault) Car bearing Engine No. B4AA400E120988 Chassis No. MEEBBA002GA430075 which is yet to be registered.



Considering the fact that in various other cases identical in nature vehicles have been directed to be released pending finalization of the confiscation proceedings or pending finalization of the criminal prosecution to be launched against the petitioner, the vehicle in question is directed to be released to the petitioner on the following conditions:

Keeping in view the aforesaid, we allow this application and direct for release of the vehicle, namely, Kwid (Renault) Car bearing Engine No. B4AA400E120988 Chassis No. MEEBBA002GA430075 to the petitioner on furnishing surety bonds to the satisfaction of the District Magistrate-cum-Collector, Purnea in connection with K. Nagar P.S. Case No. 98 of 2017, subject to the conditions that the petitioner shall make available the vehicle in question before the authority concerned as and when required during the pendency of the proceedings under the Bihar Excise Act and further undertaking not to alienate or deal with the vehicle in any manner so as to cause adverse effect or prejudice to the State Government.

As far as challenge to the confiscation proceedings is concerned, since this matter is pending consideration, we are not inclined to go into the same. The petitioner may raise all the questions before the confiscating authority.



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

(Rajendra Menon, CJ)

S.Pandey/-

(Anil Kumar Upadhyay, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.07.217
Transmission Date	

