

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16509 of 2017

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Umesh Kumar, Son of Gopal Jee Yadav, resident of Mohalla- Motitola, Police
Station- Ara Town, District- Bhojpur at Ara

... .. Petitioner/s

Versus

The State Of Bihar & Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranvijay Narain Singh, Adv.
For the Respondent/s : Mr. VIKASH KUMAR -SC11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 20-11-2017 Respondents to file counter affidavit within three
weeks.

Having heard learned counsel for the parties, we
find that a Scorpio Jeep bearing Registration No. BR03M/0050
has been seized in connection with Excise Case No.272(O)17
registered against the petitioner under Section 73 of the Bihar
Excise (Amendment) Act and Excise Case No. 272(O)/17 has
been disposed of on 11.10.2017.

The question in respect to confiscation of vehicle
by the concerned authorities have been referred to the Larger
Bench in L.P.A. No. 1647 of 2015. Since the very issue is
pending consideration before the Larger Bench, we deem it



appropriate to order release of the vehicle in question, mentioned hereinabove, to the petitioner, if not already auctioned, on furnishing surety bonds to the satisfaction of the District Magistrate-cum-Collector, Buxar in connection with the aforementioned case, subject to the condition that the petitioner shall make available the vehicle in question before the authority concerned as and when required and shall also not alienate or deal with the vehicle in any manner so as to prejudice the right of the State in confiscation proceeding.

List the matter for analogous hearing along with L.P.A. No. 1647 of 2015.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

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