

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17835 of 2017

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Poonam Devi, wife of Sudama Prasad, Resident of Village- Gandhi Nagar
Teliya Patti, P.S.- Motihari Town, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Excise, Bihar, Patna.
3. The District Magistrate, East Champaran.
4. The S.H.O. Motihari Town Police Station, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kundan Rathore, Advocate
For the Respondent/s : Mr. KUMAR MANISH - SC-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 12-12-2017 This writ petition has been filed for release of Super Splendor 135 Motorcycle bearing Registration No. BR -05V-6744 which has been seized in connection with Motihari Town P.S. Case No. 619 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 writ petition is also allowed and the vehicle in question, i.e. Super Splendor 135 Motorcycle bearing Registration No. BR -05V-6744 shall be released to the petitioner on his furnishing two sureties to the satisfaction of the District Magistrate, East Champaran, Motihari within a period of one week from the date of furnishing the sureties, 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, East Champaran, Motihari 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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