

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.870 of 2017

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Jamshed Khan & Ors.

.... Petitioner/s

Versus

The State of Bihar Through The Principal Secretary, Department of
Registration, Excise And Prohibition, Government of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brisketu Sharan Pandey
Mr. Prince Kumar Mishra

For the Respondent/s : Mr. Pawan Kumar,
A.C. to G.A. I

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 06-06-2017

Heard learned counsels for the parties.

The petitioners have invoked the writ jurisdiction of this Court for issuance of writ in the nature of certiorari quashing the order dated 11.05.2017 passed in Vehicle Confiscation Case No. 178 of 2016-2017 by the Collector, Bhabhua whereby the order of confiscation of the vehicle bearing its Registration No. UP-65CF/0661 Mahindra Bolero has been passed and the said vehicle has been confiscated by the Collector in exercise of powers under section 56(gh) of the Bihar Excise and Prohibition (Amendment) Act, 2016.

Learned counsel for the petitioners submits that since the question of authority of confiscation is under consideration in L.P.A. No. 1647 of 2015, the matter may also be listed after disposal of the aforesaid L.P.A. along with C.W.J.C. No. 1791 of



2017.

In view of the above submission, list this case after disposal of the L.P.A. No. 1647 of 2015 along with C.W.J.C. No. 1791 of 2017.

However, to avoid damage and rotten of the vehicle, let the vehicle be released provisionally in favour of the petitioners immediately on execution of security bond to the satisfaction of the Collector, Bhabhua with condition that the petitioners shall not dispose of the same or put under encumbrance without permission of the Court. The direction of security must not be excessive to prevent compliance.

(Arvind Srivastava, J)

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