

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16141 of 2017

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Shani Kumar @ Banti Kumar, Son of Madan Mohan Prasad, Resident of
Village- Court Bazar, Ward No.11, P.S.+District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Collector-cum-District Magistrate, Sitamarhi.
5. The Deputy Superintendent of Police, Sitamarhi.
6. The Excise Superintendent, Sitamarhi.
7. The Officer-in-Charge, Sitamarhi, P.S.- Sitamarhi, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Devendra Kumar, Adv. Mr. Subodh Kumar, Adv.
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 13-11-2017 Respondents to file counter affidavit within three weeks.

Having heard learned counsel for the parties, we find that a Motorcycle bearing Registration No. BR01 CQ-3708 has been seized in connection with Confiscation Case No.73/2017, arising out of Excise Case No.C-2187/2017 for violation of the provisions of Bihar Excise (Amendment) Act and Excise Prohibition Confiscation Case No. 73/2017 has been disposed of on 4.8.2017.



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, Sitamarhi 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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