

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.928 of 2018

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Rakesh Kumar, Son of Yogendra Prasad, resident of Village- Bhandrapokhar,
P.S.- Ekangersarai, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary Old Secretariat, Patna.
2. The Principal Secretary, Department of Excise, Bihar, Patna.
3. The District Magistrate-cum- Collector, Patna, District- Patna.
4. The Senior Superintendent of Police (S.S.P.), Patna, District- Patna.
5. The S.H.O., Economic Offence, Police Station, Patna.
6. The Investigating Officer, Economic Offence Police Station Case No. 9/2017.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ran Vijay Kumar, Advocate
For the Respondent/s	:	Mr. Anil Kumar Sinha-GA1
		Ms. Aditi Hansaria, A.C. to G.A. 1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-02-2018

This writ petition has been filed for release of the
following articles:-

(i). Maruti Zen-LX bearing Registration No.
BR01N/3906

(ii) Motorcycle Yamaha- R-15/Reg. No. BR-
01CM/9979

(iii) Asus Company Laptop- invoice No.
YC/RI/3238/2016-17

(iv) X-peria mobile, Samsung Mobile

(v) JIO Router, Samsung DU-Fm Radio etc.



The aforesaid vehicles and articles have been seized in connection with Economic Offence P.S. Case No. 9/2017 registered under Sections 420, 120(B) of the I.P.C. read with Sections 30(a), 38 and 41 of the Bihar Excise and Prohibition Act, 2016. The prayer made in the writ petition is to release the aforesaid vehicles and articles in question pending finalization of confiscation case No. 428/2017-18 and criminal case.

It is common ground that in various cases, identical in nature, pending finalization of the confiscation proceedings vehicles/articles have been directed to be released by this Court on various conditions and we see no reason to make a deviation in the present case.

Keeping in view the aforesaid, it is directed that pending finalization of the aforesaid confiscation proceedings and criminal case, the aforesaid vehicles and articles in question shall be released to the petitioner in connection with the aforesaid case, on his furnishing Bank Guarantee to the satisfaction of District Magistrate, Patna and further undertaking to produce the vehicles and articles as and when directed by the District Magistrate, Patna and not to alienate or deal with the vehicles/articles in question or create a third party interest



during the pendency of the confiscation proceedings and criminal case or prejudice the right of the State in confiscation proceeding. The aforesaid vehicles/articles shall be released within one week from the date of furnishing of the Bank Guarantee.

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

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	03.02.2018
Transmission Date	

