

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1261 of 2018

- =====
1. Amit Kumar, Son of Mahendra Narayan Singh, Resident of Ward No. 3, Mishrauliya, P.O.- Chora Tabhka, Police Station- Bibhutipur, District- Samastipur.
 2. Fultun Rai, Son of Ramji Yadav, Resident of Village- Mohammadpur Sakra, Police Station- Bibhutipur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Superintendent of Police, Samastipur.
4. The Officer-in-Charge, Police Station- Bibhutipur, District- Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jay Prakash Sharma, Advocate

For the Respondent/s : Mr. A.K. SINHA- GA1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 30-01-2018

This writ petition has been filed for release of a vehicle
(Black Hero Honda Splendor Motor Cycle) bearing Registration No.
BR33W 4398 and Cell Phone of Oppo Co. bearing IMEI
No.863795034140153/8637950344140146 and a Samsung Co.
bearing IMEI No.354917/08/205410/4, 354918/08/205410/2
belonging to petitioner no.1 and Hero Honda Splendor Moto Bike
bearing Registration No.BR33V9244 and Cell Phone bearing IMEI



No.354474/08/998256/4, 354475/08/998256/1 belonging to petitioner no.2, which has been seized in connection with Bibhutipur P.S. Case No.179 of 2017 due to violation of the Excise Act. The prayer made in the writ petition is to release the vehicle in question pending finalization of the confiscation proceedings and criminal case.

It is common ground that in various cases, identical in nature, pending finalization of the confiscation proceedings vehicles 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 Cell Phones in question shall be released to the petitioners on their furnishing bank guarantee to the satisfaction of District Magistrate-cum-Collector, Samastipur and further undertaking to produce the vehicles and Cell Phones as and when directed by the District Magistrate-cum-Collector, Samastipur and not to alienate or deal with the items in question during the pendency of the confiscation proceedings and criminal case so as to create third party rights or prejudice the rights of the State in the pending proceedings.

The items in question be released within one week from



the date of furnishing the bank guarantee.

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

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01-02-2018
Transmission Date	

