

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5657 of 2018

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Md. Matiullah Khan @ Md. Matiullah Khan, Son of Md. Nasrulla Khan, Resident of village- Sheohar, Ward No. 6, P.S.- Sheohar, District- Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary of the Excise Department, Bihar at Patna.
2. The Collector cum District Magistrate, Sitamarhi.
3. The Superintendent of Police, Sitamarhi.
4. The Excise Sub-Inspector, Excise Department, Prahar fource, Sitamarhi.
5. The Officer In-charge of Police Station, Sadar, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra

For the Respondent/s : Mr. VIKASH KUMAR-SC11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 17-04-2018

This writ petition has been filed for release of a vehicle (Apache 160 Motorcycle) bearing Registration No. BR06BB-9462 and a cash of Rs.50,000/-, which have been seized in connection with Excise Case No.734 of 2017 due to violation of the Excise Act. The prayer made in the writ petition is to release the vehicle/cash 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/cash 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 confiscation proceedings and aforesaid criminal case, the aforesaid vehicle in question and cash of Rs.50,000/- Indian currency shall be released to the petitioner, on his furnishing adequate sureties to the satisfaction of District Magistrate, Sitamarhi and further undertaking to produce the vehicle as and when directed by the authority concerned and not to alienate or deal with the vehicle 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. A panchnama be also prepared with regard to Indian currency handed over to the petitioner. The aforesaid vehicle/cash shall be released within one week from the date of furnishing of the sureties.

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

(Rajendra Menon, CJ)

Arvind/Rajeev-

(Rajeev Ranjan Prasad, J)

AFR/NAFR	
CAV DATE	
Uploading Date	21.04.2018
Transmission Date	

