

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7543 of 2018

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1. Rajib Dey @ Rajeev De, son of Ranjeet Day, resident of 140, Nilganj Road, Kolkata and presently residing at Gokul Aardhna Plaza, Flat No.102, Kankarbagh, P.S.- Kankarbagh, District- Patna
2. Bishal Kumar Dubey, son of Manoj Dubey, resident of Village+ P.O.- Gobarvera, P.S. Loriya, District- West Champaran and presently residing at 219/B, Nehru Nagar, P.S.- Patliputra, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Registration, Excise & Prohibition Department, Government of Bihar.
2. The Superintendent of Police, Patna
3. The Officer-in-Charge, Digha Police Station, Digha

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Tuhin Shankar, Advocate
For the Respondent/s : Mr. Vivek Prasad- Gp7

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 19-04-2018 This writ petition has been filed for release of mobile sets of Brands Nokia smart phones (Model Lumia 720) and HHP mobile containing three SIM cards, THE Nokia phone containing Vodafone SIM bearing No.9830291871 and the HHP phone containing two Vodafone SIMs bearing Nos.8298899503 and 8298899504 respectively of the Petitioner No.1 and further a smart phone of VIVO brand (Model No.Y69) containing Jio and Airtel SIM cards bearing No. 79035745996 & 9065504650 and Samsung Guru key pad phone containing Vodafone SIM bearing No.8298899508 of the petitioner No.2 which was seized



by the police at the time of lodgment of the case bearing Digha P.S. Case No.423/17 due to violation of the provisions of the Excise Act.

It is common ground that in various cases, identical in nature, pending finalization of the confiscation/excise/criminal proceedings, 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 confiscation/excise proceedings and/or criminal case, the articles in question as detailed in para-1, shall be released to the petitioners after preparing Panchnama and following all steps for collecting evidence available in the mobiles, on the petitioners furnishing two surety bonds to the satisfaction of District Magistrate-cum-Collector, Patna and further undertaking to produce the articles as and when directed by the authority concerned and not to alienate or deal with the same in question during the pendency of the confiscation/excise proceedings and/or criminal case so as to create third party rights or prejudice the rights of the State in the pending proceedings.

The articles in question be released within one week



from the date of furnishing the surety bonds.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

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