

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13634 of 2018

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Himachal Kumar, Son of Bamshankar Prasad resident of Village-Mangal Bazar Nabinagar, P.S. Nabinagar District Aurangabad, at present jaubay Gaiti P.S. Nabinagar, District Aurangabad.

... .. Petitioner/s

Versus

- 1.The State of Bihar through the Secretary Department of Excise Government of Bihar Patna.
- 2.The District Magistrate Aurangabad
- 3.The Superintendent of Police, Aurangabad
- 4.The Officer in Charge, Nabinagar Police Station, District Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari, Advocate
For the Respondent/s : Mr. Vikash Kumar- SC-11

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 19-07-2018 This writ petition has been filed for release of a vehicle (Motorcycle Honda) bearing Registration No. BR26J 5742, which has been seized in connection with Nabinagar P.S. Case No. 147 of 2018 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, 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 confiscation/excise proceedings and/or criminal case, the vehicle in question shall be released to the petitioner on the petitioner furnishing two surety bonds to the satisfaction of District Magistrate-cum-Collector, Aurangabad 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 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. Valuation of the vehicle in question shall be done as per the valuation shown in the insurance documents.

The vehicle 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)

Sunil/R.S.Sen-

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