

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4199 of 2018

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Rakesh Kumar Ray @ Rakesh Kumar, son of Nagednra Ray @ Nagendra Rai,
resident of village – Baltharwa, P.S. – Piprakothi, District – East Champaran.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
3. The Collector-cum-District Magistrate, East Champaran, Motihari.
4. The Superintendent of Police, East Champaran, Motihari
5. The Superintendent of Excise, East Champaran, Motihari.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar @ Sonu Babu

For the Respondent/s : Mr. Vivek Prasad- GP7

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 09-03-2018

This writ petition has been filed for release of a vehicle (Scorpio Jeep) bearing Registration No. BR05H-5698, which has been seized in connection with Piprakothi P.S. Case No. 157 of 2017 instituted for the offences under Sections 272, 273, 34 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016. 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 vehicle in question shall be released to the petitioner, on his furnishing Bank Guarantee to the satisfaction of District Magistrate, East Champaran, Motihari, 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. The aforesaid vehicle 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, C.J.)

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.03.2018
Transmission Date	NA

