

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3673 of 2018

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Balmiki Kumar, Son of Vijay Shankar Jaiswal, R/o House No. HR 26-
Mahsharma MKT Pul, Pehladpur, Distt. Delhi, Presently Residing at
Village-Mairwa, P.S. Mairwa, Dist.-Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Dept.
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan
4. The Officer in Charge-Balia, Police Station Raghunathpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Respondent/s : Mr. Vivek Prasad, GP-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 05-03-2018 This writ petition has been filed for release of a

vehicle in question (Yamaha Motorcycle-FZ-16) bearing

Registration No. DL 3 SCF- 9562, which has been seized in

connection with Mairwa P.S. Case No. 196 of 2017 due to

violation of the Excise Act. The confiscation proceedings are

pending and 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 two surety bonds to the satisfaction of District Magistrate, Siwan, within a period of one week from the date of furnishing the sureties, and further undertaking to produce the vehicle as and when directed by the District Magistrate, Siwan and not to alienate or deal with the vehicle in question during the pendency of the confiscation proceedings and criminal case.

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

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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