

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5416 of 2018

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Jyotish Kumar Rajak, son of Sohan Rajak, Resident of Village - Gharari, P.S. -
Mirganj, District - Purnea. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise, Prohibition & Registration Department, Government of Bihar, Patna.
 2. The Collector-cum-District Magistrate, Purnea
 3. The Senior Superintendent of Excise, Purnea.
 4. The Senior Superintendent of Police, Purnea.
 5. The Station House Officer, Mirganj P.S., District Purnea.
 6. The I.O. of Mirganj P.S. Case No. 139/2017, Mirganj P.S., District - Purnea.
- Respondent/s
- =====

Appearance:

For the Petitioner/s : Mr. Kumar Praveen
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: 27-03-2018

This writ petition has been filed for release of a vehicle
(HERO HF DELUXE) bearing Registration No. BR39Q/3429, Engine
No. HA11EJE9MI3856, Chassis No. MBLHA11ALE9M21278 which
has been seized in connection with Special Excise No. 2497/2017
arising out of Mirgunj P.S. Case No. 139 of 2017 due to violation of
the Excise Act. 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 Collector cum District Magistrate, Purnea, 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 sureties.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	29.03.2018
Transmission Date	

