

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.771 of 2018

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Gauri Shankar Chaurasiya @ Gauri Shankar Varai, Son of Ragunath Varai,
resident of Village- Barka Manjha, P.S. Mairwa, District- Siwan.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Excise, Bihar, Patna.
2. The Collector cum District Magistrate, Siwan, District- Siwan.
3. The Superintendent of Police, Siwan, District- Siwan.
4. The S.H.O. cum Officer In charge, Mairwa Police Station, District- Siwan.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Anil Chandra, 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 16-01-2018 This writ petition has been filed for release of a vehicle (Hero Splendor Motorcycle) bearing Registration No. BR – 29 –T- 0874, Engine No.HA10ERFHB 36515, which has been seized in connection with Mairwa P.S. Case No.138 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 District Magistrate-cum-Collector, Siwan and further undertaking to produce the vehicle as and when directed by the District Magistrate-cum-Collector, Siwan and not to alienate or deal with the vehicle in question during the pendency of the confiscation proceedings and criminal case so as to create third party rights or prejudice the rights of the State in the pending proceedings.

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)

(Anil Kumar Upadhyay, J)

K.C.jha/-

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