

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5152 of 2018

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Rajesh Kumar @ Rajesh Kumar Jha, S/o Ravinath Jha, Resident of Village- Parej,
P.O.- Banjee Parej, P.S.- Mandu Ghatotand Mandu Ramgarh, District- Ramgarh
(Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Bihar Prohibition and Excise, Govt. of Bihar, Patna.
2. The Collector-cum-District Magistrate, Madhubani.
3. The Superintendent of Police, Madhubani.
4. The Superintendent of Excise, Madhubani.
5. The Officer in Charge Rahika P.S. Rahika, District- Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Respondent/s : Mr. KUMAR MANISH -SC5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 28-03-2018

This writ petition has been filed for release of a vehicle
(White Colour TATA ZESTXE Car) bearing Registration No.
JH01AX-0217 along with two mobile phones bearing SIM no.
9939536631 and 9801930133 which has been seized in connection
with Rahika P.S. Case No. 158 of 2017 due to violation of the Excise
Act. The prayer made in the writ petition is to release the vehicle
along with the mobile phones 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



along with mobile phones 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 along with two mobile phones in question shall be released to the petitioner, on his furnishing two local sureties to the satisfaction of the Collector-cum-District Magistrate, Madhubani, 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 along with mobile phones 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)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	31.03.2018
Transmission Date	N/A

