

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2175 of 2018

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Ramesvar Gop Alias Rameshwar Gop Alias Ramshwar Rai @ Ramishwar Rai Son of Shri Siyasharan Gop, Residing at Harisingh ka Tola, Village Kuranapura, P.S. Sampatchak, District Patna.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Excise and Prohibition, Govt. of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna,
4. The Excise Superintendent, Patna.
5. The Officer In-Charge, Kadirganj Police Station, District Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar

For the Respondent/s : Mr. Anil Kr. Sinha- Ga1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 13-02-2018 This writ petition has been filed for release of a vehicle Hero Splendor Plus motorcycle bearing Registration No. BR-01CU-8240 (Engine No. HA10ERGH51901, Chassis No. MBLHA 10CGHB83348) which has been seized in connection with Gopalpur P.S. Case No. 172/17 giving rise to Special Case No. 6205/17 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 Bank Guarantee to the satisfaction of District Magistrate-cum-Collector, Patna 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 two weeks from the date of furnishing of the Bank Guarantee.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Dilip, AR

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