

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5661 of 2018

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Pawan Kumar, son of Ramprit Sah, resident of Village- Narayanpur Sapahi,
P.O.- Sanghopatti, Sanghopatti, P.S. Mushahari, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department,
Government of Bihar, patna
2. Collector-cum-District Magistrate, Muzaffarpur
3. Senior Superintendent of Police, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate
For the Respondent/s : Mr. A.K. 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 29-03-2018 This writ petition has been filed for release of a vehicle

(R-15 [2Fb9] Model Motorcycle of YAMAHA Company)

bearing Chassis No. ME1RG0619H0083921, Engine No.
G3C7E0131391, which has been seized in connection with
Mushahari P.S. Case No. 43/2018 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 confiscation proceedings and aforesaid criminal case, the aforesaid vehicle in question shall be released to the petitioner, on his furnishing Bank Guarantee to the satisfaction of District Magistrate, Muzaffarpur 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 Bank Guarantee.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

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