

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5274 of 2018

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Ajay Kumar Sah, son of Munna Lal Sah, R/o- Sirniya, P.S. Katihar Muffasil, Distt- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Patna, bihar
2. The District Magistrate, Katihar
3. The Superintendent of Police, Katihar
4. The S.H.O. Katihar Muffasil, Police Station, Katihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Singh, Advocate
For the Respondent/s	:	Mr. Vikash Kumar- SC11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 22-03-2018 This writ petition has been filed for release of a vehicle (Bajaj Discover Motorcycle) bearing Registration No. BR-39E-9180, a Mobile OPPO Company A37 FW bearing SIM No. 7549538745 and cash of Rs. 2,000/- (Two thousand) which have been seized in connection with Katihar Muffasil P.S. Case No. 34 of 2018 due to violation of the Excise Act. The prayer made in the writ petition is to release the vehicle in question along with aforesaid articles 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/properties 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 along with the aforesaid mobile and cash of Rs. 2,000/- shall be released to the petitioner, on his furnishing two surety bonds to the satisfaction of District Magistrate, Katihar 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, mobile and cash of Rs. 2,000/- 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)

P.K.P./-

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