

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5475 of 2018**

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Gauri Mahto, Son of Phokdar Mahto, Resident of Village-Mahammadpur,  
Khaje Chainpur Tola P.O.-Pratappur Gidha, P.S.-Karza, District-Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,  
Government of Bihar, Patna.
2. The District Magistrate Cum Collector, Muzaffarpur
3. The Senior Superintendent of Police, Muzaffarpur
4. The Officer in-Charge, Karza Police Station, District-Muzaffarpur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate  
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 ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

2     27-03-2018             This writ petition has been filed for release of a vehicle  
  
(New Hero HF DELUX Motorcycle) bearing Engine/Motor No.  
  
HA11ENJGA01789, Chassis No. MBLHAR208JGA02625,  
  
which has been seized in connection with Karza P.S. Case No.  
  
30 of 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 two surety bonds 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 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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