

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1281 of 2018

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Jawahar Kumar @ Jawahar Rai @ Jamahir Kumar, S/o Late Ram-Sagar Yadav @ Ram Sagar Gope, R/o Village-Govindpur Kurtha, P.S.-Fatuha, District-Patna at Present Residint at Dhawalpura, P.S.-Bypass, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Bihar, Patna.
2. The Collector-Cum-District Magistrate, Patna.
3. The Excise Commissioner, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Superintendent of Police, Patna.
6. The Superintendent of Excise, Patna.
7. The Officer in Charge of Bypass Police Station, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nityanand Kumar, Advocate
For the Respondent/s : Mr. Vivek Prasad, GP-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 29-01-2018

This writ petition has been filed for release of a vehicle in question (Hero Glamour, Motorcycle) bearing Registration No. BHR-01BM-6703, Engine No. JA06ERHGC32358, Chassis No.- MBLJAR024HGC26295, which has been seized in connection with Special Case No. 2797 of 2017, arising out of Bypass P.S. Case No. 124 of 2017 due to violation of the Excise Act. The confiscation proceedings are pending and 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 two surety bonds to the satisfaction of District Magistrate, Patna within a period of one week from the date of furnishing the sureties and further undertaking to produce the vehicle as and when directed by the District Magistrate, Patna and not to alienate or deal with the vehicle in question during the pendency of the confiscation proceedings and criminal case.

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

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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