

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7495 of 2018

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Nitish Mehta @ Nitish Kumar S/o Devendra Mehta Resident of Village-
Bhotia Damgara, P.S. Dhamdaha, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal secretary, Bihar Prohibition and Excise Department, Bihar, Patna.
2. The Excise Commissioner, Bihar Prohibition and Excise Department, Bihar, Patna.
3. The Excise Officer, Bihar Prohibition and Excise Department, Madhepura.
4. The District Magistrate, Madhepura.
5. The Superintendent of Police, District of Madhepura, Bihar.
6. The Officer in Charge of Bihariganj police Station, District- Madhepura.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 15-05-2018 This writ petition has been filed for release of a vehicle (motorcycle) bearing Registration No. BR-11K-4768, which has been seized in connection with Bihariganj P.S. Case No. 34/2018 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, Madhepura 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)

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