

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1833 of 2018

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Rajesh Kumar, Son of Manoj Kumar, Resident of Village- Nesra (Jogwan Bigha),
P.O.+ P.S.- Karai Prasurai, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Nalanda, District- Nalanda.
4. The Sub- Divisional Magistrate, Hilsa, District- Nalanda.
5. The Station House Officer, Nagarnausa, District- Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Mr. Prince Kumar Mishra, Mr. Sanket, Mr. Kashyap Kaushal, Advocates
For the State	:	Mr. Anil Kumar Sinha, GA-1 Mr. Kumar Ravish, AC to GA-1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 01-02-2018

This writ petition has been filed for release of a vehicle (Hero Passion Motor Cycle) bearing Registration No. BR-21Q-9324, which has been seized in connection with Nagarnausa P.S. Case No.139 of 2017 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 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-cum-Collector, Nalanda and further undertaking to produce the vehicle as and when directed by the District Magistrate-cum-Collector, Nalanda and not to alienate or deal with the vehicle in question during the pendency of the confiscation proceedings and criminal case so as to create third party rights or prejudice the rights of the State in the pending proceedings.

The vehicle in question be released within one week from the date of furnishing the surety bonds.

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

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	03-02-2018
Transmission Date	

