

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2807 of 2018

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Shyam Prasad Kushwaha @ Shyamal Prasad Kushwaha, Son of Om Prakash Prasad Kushwaha @ Om Prakash Kumar, Resident of Village Paura, Pachiyari Tola, P.S. Muffasil, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department, Bihar, Patna.
2. The Divisional Commissioner, Excise Department, Muzaffarpur Division, Muzaffarpur.
3. The District Magistrate, East Champaran, Motihari.
4. The Superintendent of Police, East Champaran (Motihari).
5. The Officer Incharge, Dumariya Ghat P.S., District East Champaran (Motihari).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Respondent/s : Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR

UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 23-02-2018

This writ petition has been filed for release of a vehicle in question (Motorcycle) bearing Registration No. BR 05 U - 1682, which has been seized in connection with Muffasil P.S. Case No. 16 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 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, East Champaran, Motihari, 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, East Champaran, Motihari 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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