

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2710 of 2018

=====

Krishan Murari Rai, S/o Sunil Kumar Rai, R/o Village – Mahurav, P.S. Bhatni, District – Deoria (UP).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise, Govt. of Bihar, Patna,
2. The Principal Secretary, Excise, Govt. of Bihar, Patna,
3. The District Magistrate, Siwan,
4. The Superintendent of Police, Siwan,
5. The Excise Superintendent, Department of Excise, Siwan,
6. The S.H.O. of Mairwa P.S., District Siwan.

.... Respondent/s

=====

Appearance:

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate.

For the Respondent/s : Mr. Anil Kumar Sinha, GA 1.

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 15-02-2018 This writ petition has been filed for release of a vehicle (Hero Maestro motorcycle) bearing Registration No. UP-52-AL-6517 (Engine No. JF32AAFGGB32982, Chassis No. MBLJF32AEFGGB11709), which has been seized in connection with Mairwa P.S. Case No. 389/17 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 Bank Guarantee to the satisfaction of District Magistrate, Siwan 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 Bank Guarantee.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Dilip, AR

U			
---	--	--	--

