

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9445 of 2018

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1. Sarfudin Alam @ Mohmad Sarfudin Alam, S/o –Bijli Miyan R/o Jamadar Tola, P.S. – Bettiah Town, District – West Champaran.
 2. Afroj Alam @ Afroj, son of Bijli Miyan, R/o – Purshottampur, District – West Champaran

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The District Magistrate, Bettiah, West Champaran
3. The Superintendent of Excise Department, Bettiah, West Champaran.
4. The Officer Incharge, Sikta Police Station, West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Respondent/s : Mr. Anil kr. Sinha- GA1

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 17-05-2018

This writ petition has been filed for release of a vehicle (Hero Glamour Motorcycle) bearing Registration No. BR22S-2294 in favour of petitioner no. 1 and the seized Samsung Mobile and cash of Rs. 9600/- in favour of petitioner no. 2 which has been seized in connection with Sikta P.S. Case No. 161/2017 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 no. 1 and Samsung Mobile and cash of Rs. 9600/- in favour of petitioner no. 2, on their furnishing two surety bonds to the satisfaction of District Magistrate, Bettiah, West Champaran 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 off.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Rajeev/-

AFR/NAFR	
CAV DATE	
Uploading Date	21.05.2018
Transmission Date	

