

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9920 of 2018

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Mukesh Kumar, son of Shri Bal Krishna Barnawal, R/o at Karahasa Kothi, RMS Colony, Kankarbagh, P.O. – Lohianagar, Patna – 800020.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The collector-cum-District Magistrate, Patna.
4. The senior Superintendent of Police, Patna
5. The Excise Superintendent, Patna.
6. The S.H.O, P.S.- Rupaspur, District – Patna.
7. The S.H.O., P.S. – Gandhi Maidan, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Prashant Kumar

For the Respondent/s : Mr. KUMAR MANISH- SC5

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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 (Honda Livo Motorcycle) bearing Registration No. BR01DC-5799 which has been seized in connection with Rupaspur P.S. Case No. 137/2018 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 aforesaid confiscation proceedings and subject to petitioner ready to raise all such objections with regard to initiation of the confiscation proceeding and various facts as are indicated in the writ petition, the aforesaid vehicle in question shall be released to the petitioner, on his furnishing two surety bonds to the satisfaction of District Magistrate, Patna 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)

Rajeev/-

AFR/NAFR	
CAV DATE	
Uploading Date	21.05.2018
Transmission Date	

