

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9864 of 2018

- =====
1. Krishna Singh, son of Late Rameshwar Singh, R/V –Hardiya-D, P.S. – Rajauli, District – Nawada
 2. Ratan Rajwanshi, son of Baso Rajwanshi, resident of village – New Singer Hardiya, P.S. – Rajauli, District - Nawada

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Bihar, Patna.
2. The Superintendent of Police, Nawada (Bihar)
3. The Officer-in-Charge, Rajauli Police Station, District – Nawada
4. S.D.P.O. Rajauli Sub-Division, District – Nawada.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajeev Nayan

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 the vehicles Splendor Pro, bearing Registration No. BR27C-1784 in favour of petitioner no. 1 and Honda Shine bearing registration No. JH10AJ-3014 in favour of petitioner no. 2 which have been seized in connection with Rajauli P.S. Case No. 58 of 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 criminal case, the aforesaid vehicles in question shall be released to the petitioners, on their furnishing two surety bonds to the satisfaction of District Magistrate, Nawada and further undertaking to produce the vehicles as and when directed by the authority concerned and not to alienate or deal with the vehicles 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 vehicles 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	

