

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9734 of 2018

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Mustafa @ Md. Mustafa Darzi, son of Md. Daood Darzi, resident of
village-Janakpur-01, P.S.-Janakpur, District-Dhanusha (Nepal)

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Deptt.,
Government of Bihar, Patna.
2. The Superintendent of Police, District-Madhubani.
3. The Incharge of Police Station, Madhwapur, Benipatti, District-
Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar

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 ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 16-05-2018 This writ petition has been filed for release of a vehicle

(Motorcycle) bearing MIC No. J4P-7929, Chassis

No.MBLHA10EWC502349, which has been seized in connection

with Madhwapur P.S. Case No. 11/18 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 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, Madhubani 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)

Arvind/-

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