

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9928 of 2018

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Upendra Prasad Yadav @ Yogendra Yadav, S/o- Kusumlal Yadav, Resident of
Village- Mohammadganj P.S. Supaul, District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, the Custom & Excise Department
Government of Bihar, Patna
2. The Collector, Araria
3. The Superintendent of Police, Araria
4. The Deputy Superintendent of Police, Forbesganj Araria
5. Prabhunath Singh, A.S.I. Forbesganj Police Station, District- Araria

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhijeet Gautam, Advocate
For the Respondent/s : Mr. Vivek Prasad- GP-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 17-05-2018 Corrections in the petition be carried out during the
course of the day.

This writ petition has been filed for release of a
vehicle (Hero Splender Plus Motorcycle) bearing Registration
No. BR-50C-7688, which has been seized in connection with



Spl. Case No. 2402/2017 arising out of Forbesganj P.S. Case No. 581/2017 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 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, Araria 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)

P.K.P./-

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