

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10536 of 2018

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Hasnain Reza @ Hasnain Reja, Son of Jamil Akhtar, Resident of Mohalla-Park Road, Sahara India Gohana, P.S. Gohana, District Sonipat Gohana, at present Mohalla Bengali Tola, P.S. Town, District Samastipur Haryana-131301 the owner of Scorpio Jee No. HR- 11C, 3450 confiscated in connection with Samastipur Town P.S. Case No. 234/17, registered Under Section 30(a) of Bihar Prohibition & Excise Act, 2016.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Patna.
2. The District Magistrate/ Collector, Samastipur.
3. The Superintendent of Police, Samastipur.
4. The Superintendent of Excise, Samastipur.
5. The Officer-in- Charge, Town P.S. Samastipur, District- Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate
Mr. Shibtosha Acharjee, Advocate
For the State : Mr. Anil Kumar Sinha, GA-1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 28-06-2018 This writ petition has been filed for release of a vehicle (Scorpio Jeep) bearing Registration No. HR11D/3450, which has been seized in connection with Samastipur Town P.S. Case No. 234 of 2017 due to violation of the provisions of the Excise Act.

It is common ground that in various cases, identical in nature, pending finalization of the confiscation/excise/criminal 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/excise proceedings and/or criminal case, the vehicle in question shall be released to the petitioner on the petitioner furnishing two surety bonds to the satisfaction of District Magistrate-cum-Collector, Samastipur 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 during the pendency of the confiscation/excise proceedings and/or criminal case so as to create third party rights or prejudice the rights of the State in the pending proceedings.

The vehicle in question be released within one week from the date of furnishing the surety bonds.

With the aforesaid, the writ petition stands allowed and disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.jha/- N.H.

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