

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.55 of 2018

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Surendra Kumar Mahto, S/o Hari Har Mahto, Resident of Village-
Gehumana, Ward No.- 8, P.O.- Arout, P.S.- Rosera, District- Samastipur.
... .. Petitioner/s

Versus

1. The State of Bihar, through its Principal Secretary, Excise Department, Patna (Bihar).
2. The Divisional Commissioner, Excise Department, Bihar Division, at Patna.
3. The District Magistrate, Samastipur.
4. The Superintendent of Police, Samastipur.
5. The A.S.I. Rosera, Police Station.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
For the Respondent/s : Mr. Lalit Kishore -AG

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 04-01-2018 This writ petition has been filed for release of a vehicle

(Hero Honda Motor Cycle) bearing Registration No. BR 33W-

8456, which has been seized in connection with Rosera P.S.

Case No. 271/2017 due to violation of the Bihar Prohibition and

Excise Act, 2016. 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 criminal case, the aforesaid vehicle in question shall be released to the petitioner on his furnishing two sureties to the satisfaction of District Magistrate, Samastipur within a period of one week from the date of his furnishing the sureties and further undertaking to produce the vehicle as and when directed by the District Magistrate, Samastipur and not to alienate or deal with the vehicle in question during the pendency of the confiscation proceedings and criminal case so as to cause adverse effect or prejudice to the State Government.

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

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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