

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1346 of 2018

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1. Anil Kumar, Son of Cheddi Sah, Resident of Village- Bakarganj
Akhand Pokhar, P.S.- Laheriasarai, Dist- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate-cum-Collector, Darbhanga.
3. The Excise Superintendent, Darbhanga.
4. The Excise Commissioner, Govt. of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Nath Jha, Adv.

For the Respondent/s : Mr. Anil Kumar Sinha -Ga1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR

UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 29-01-2018

Issue notice.

Respondents to file counter affidavit within four weeks.

List the matter for analogous hearing along with L.P.A. No. 1647 of 2015.

In the meanwhile, as the question in respect of confiscation of vehicle by the concerned authorities has been referred to the Larger Bench in L.P.A. No. 1647 of 2015 which is pending consideration before the Larger Bench, we deem it appropriate to order release of the tempo in question, bearing registration no. BR-07PA-1239 confiscated in connection with



Appeal Case No. 31 of 2017 (Confiscation Proceeding Case No. 180 of 2017 vide order dated 14.12.2017 by the District Magistrate-cum-Collector, Darbhanga, to the petitioner, if not already auctioned, on furnishing Bank guarantee to the satisfaction of the District Magistrate-cum-Collector, Darbhanga, in connection with the aforementioned case, within a period of one week from the date of furnishing the Bank guarantee, subject to the condition that the petitioner shall make available the vehicle in question before the authority concerned as and when required and shall also not alienate or deal with the vehicle in any manner so as to prejudice the right of the confiscation proceedings.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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