

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.16943 of 2017**

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Bimal Kumar Sah, S/o Sri Ganga Prasad Sah, R/o Village- Palasi, P.S.- Narpatganj,  
District- Araria.

.... .... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Registration, Excise & Prohibition Department, Government of Bihar, Patna.
2. The Principal, Registration, Excise & Prohibition Department, Government of Bihar, Patna.
3. The Collector, District- Araria.
4. The Superintendent of Police, Araria.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Kundan Kumar Singh

For the Respondent/s : Mr. KUMAR MANISH -SC5

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date: 12-03-2018**

In spite of repeated opportunities being granted since 18.12.2017, the State Government has not filed counter affidavit. That being so, we have no reason to deny the prayer made on behalf of the petitioner for release of vehicle.

This writ petition has been filed for release of a vehicle (Maruti Suzuki Swift V.D.I.) bearing Registration No. JH-11J-6590 which has been seized in connection with Jogbani P.S. Case No. 90 of 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 aforesaid confiscation proceedings and 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)**

Arvind/-

**(Rajeev Ranjan Prasad, J)**

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