

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14765 of 2018

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1. Rajesh Kumar Yadav @ Rajesh Kumar, Son of Late Lal Mohan Yadav, resident of Babu Bajar (Ara), Ward No. 10, P.S.- Ara Town, District- Bhojpur.
 2. Kumar Abhay, Son of Vinay Prasad, resident of Mohalla- M.P. Bag, Ara, P.S.- Ara, Town, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department.
2. The District Magistrate, Bhojpur at ARa.
3. The Superintendent of Police, Ara.
4. The Officer Incharge, Ara Town, Police Station & District- Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate
For the Respondent/s : Mr. Anil Kumar Sinha – GA 1

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 01-08-2018 This writ petition has been filed for release of vehicles (Hero Splendor Plus Motorcycle & Motorcycle) bearing Registration Nos. BR-03W-2150 & BR-03V-0783, which have been seized in connection with Ara Nagar P.S. Case No. 305 of 2018, Excise Case No. 936 of 2018 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 vehicles in question shall be released to the petitioners on the petitioners furnishing two surety bonds each to the satisfaction of District Magistrate-cum-Collector, Bhojpur at Ara and further undertaking to produce the vehicles as and when directed by the authority concerned and not to alienate or deal with the vehicles 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 vehicles in question be released within one week from the date of furnishing the surety bonds.

Valuation of the vehicles shall be assessed as per the valuation of the vehicle shown in the insurance papers.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/Uma/-

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