

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14994 of 2018

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Diwakar Sharma, Son of Kamo Sharma, Resident of Village- Dhakjari,
Police Station- Sonbarsa Kachari, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The Principal Secretary, Department of Excise, Government of Bihar, Patna.
3. The District Magistrate, Saharsa.
4. The Superintendent of Police, Saharsa.
5. The Station House Officer, Saharsa Police Station, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Respondent/s : Mr. Kumar Manish- SC-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 01-08-2018 Respondents to file counter affidavit.

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

In the meanwhile, as the issue with regard to power of
the District Magistrate to confiscate has been referred to the
Larger Bench in L.P.A. No. 1647 of 2015 and the same is
pending consideration before the Larger Bench, we deem it
appropriate to order release of the vehicle in question, bearing
Registration No. BR-19K-3813 confiscated in connection with
Confiscation Case No.50 of 2017-18 vide order dated
02.02.2018 by the Collector-cum- District Magistrate, Saharsa,



to the petitioner, if not already auctioned, on furnishing two sureties to the satisfaction of the District Magistrate-cum-Collector, Saharsa, in connection with the aforementioned case, within a period of one week from the date of furnishing the sureties, 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 create third party interest or deal with the vehicle in any manner so as to prejudice the right of the State in confiscation proceedings.

The valuation of the vehicle in question shall be done as per the valuation shown in the insurance document.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Sunil/-s.shukla

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