

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16537 of 2017

=====

Manoj Kumar Patwa, Son of Om Prakash Patwa, Resident of Mohalla-Narkatiaganj, Police Station- Shikarpur, District- West Champaran at Bettiah.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registrarion, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Confiscation Officer, West Champaran at Bettiah.
3. The Superintendent of Excise, West Champaran at Bettiah.
4. The Sub Inspector, Excise, Sadar, West Champaran at Bettiah.
5. The Station House Officer, Sahodara, District- West Champaran at Bettiah.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Respondent/s : Mr. ANIL KUMAR SINHA -GA1

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 30-01-2018

Respondents to file counter affidavit within four weeks.

Having heard learned counsel for the parties, we find that the vehicle of the petitioner (Nano Car) bearing Registration No. BR-06V-6441 has been seized in connection with Confiscation Case No. C.R.M. No.13 of 2017-18 for violation of Excise Act which has been disposed of on 30.8.2017.

The question in respect to confiscation of vehicle by the concerned authorities have been referred to the Larger Bench in L.P.A. No. 1647 of 2015. Since the very issue is pending



consideration before the Larger Bench, we deem it appropriate to order release of the vehicle in question, mentioned hereinabove, to the petitioner, if not already auctioned, on furnishing surety bonds to the satisfaction of the District Magistrate-cum-Collector, West Champaran at Bettiah in connection with the aforementioned case, 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 create a third party interest so as to prejudice the right of the State in confiscation proceeding.

The vehicle in question be released within one week from the date of furnishing the surety bonds.

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

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01-02-2018
Transmission Date	

