

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6854 of 2018

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Ramanand Prasad, son of Swami Narayan Prasad, Resident of Village-
Kumhar Toli, Naya Bazar, P.S. Mairwa, District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Govt. of Bihar, Patna
2. The District Magistrate, Siwan
3. The Superintendent of Police, Siwan
4. The Officer in Charge, Mairwa, Police Station, District- Siwan

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the Respondent/s : Mr. Vivek Prasad- GP-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 11-04-2018 This writ petition has been filed for release of a

vehicle (Hero Splendor Motorcycle) bearing Registration No.

UP52AC-2861, Chassis No. MBLHA10A3D9M03512 and

Engine No. HA10ELD9M04863 which has been seized in

connection with Mairwa P.S. Case No. 221/2016 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/criminal case 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 proceedings and aforesaid criminal case, the aforesaid vehicle in question shall be released to the petitioner, on his furnishing Bank Guarantee to the satisfaction of District Magistrate, Siwan 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 Bank Guarantee.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

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