

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6289 of 2018

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1. Mitu Sahani, S/o Sri Bhular Sahani, Resident of Village-Gorpar Gamaail,
P.O.-Uda Kishunganj, P.S.-Bihariganj, District-Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Excise Commissioner, Bihar, Patna.
4. The Inspector General of Police, Patna.
5. The District Magistrate-Cum-Collector, Purnea,
6. The Superintendent of Police, Purnea,
7. The S.H.O., Barhara (Raghuvansh Nagar) P.S., Dhamdaha Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Karn
For the Respondent/s : Mr. Vivek Prasad- Gp7

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 10-04-2018 This writ petition has been filed for release of a vehicle
(Motor cycle Hero Splender) bearing Chasis No.-
MBLHAR085HHF228611 which has been seized in connection
with Barhara (Raghuvansh Nagar) P.S. Case No.264 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 Bank Guarantee to the satisfaction of District Magistrate-cum-Collector, Purnea 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)

Sanjeev/-

(Rajeev Ranjan Prasad, J)

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