

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7082 of 2018

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1. Suman Kumar, son of Brahmdeo Rai, resident of Kalyanpur, P.S. – Bibhutipur,
District – Samastipur
 2. Manoj Kumar, son of Baidyanath Rai
 3. Manoj Kumar Rai @ Lalbabu, son of Lovelesh Rai
- Both 2 & 3 resident of village – Ramchandrapur, P.S. – Bibhutipur, District -
Samastipur

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of
Bihar, Patna
2. The District Magistrate, Samastipur.
3. The Superintendent of Police, Samastipur
4. The Officer Incharge, Police Station- Bibhutipur, District – Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jay Prakash Sharma
For the Respondent/s : Mr. Vikash Kumar -SC11

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 13-04-2018

This writ petition has been filed for release of a vehicle (Black
Brown Honda Dream Jiyo Motorcycle) bearing Registration No.
BR33N-9199 and Cell Phone of LYF Company bearing IMEI No.
911542052610069/911542056610065 belonging to petitioner no. 1
and Cell Phone of OPPO Company bearing IMEI No.
863711039272115 and 863711039272107 bearing connecting No.



9801073739 belonging to petitioner no. 2 and one OPPO Mobile bearing No. 83407332737 and IMEI No. 864216032513274 and 864216032513266 of petitioner no. 3, which has been seized in connection with Bibhutipur P.S. Case No. 179 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 confiscation proceedings and aforesaid criminal case, the aforesaid vehicle and mobile in question shall be released to the petitioners, on his furnishing two surety bonds each to the satisfaction of District Magistrate, Samastipur 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 sureties.



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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.04.2018
Transmission Date	NA

