

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7570 of 2018

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1. Shanti Kumari, D/o Ramnath Baitha, R/o Village- Harida, P.S.- Pachrukhi, District- Siwan.
 2. Arvind Kumar Mishra, S/o Shivjee Mishra, R/o Village- Khagni, P.S.- Goreyakothi, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Government of Bihar, Patna.
2. The Principal Secretary, Excise , Government of Bihar, Patna.
3. The District Magistrate, Siwan.
4. The Superintendent of Police, Siwan.
5. The Excise Superintendent, Department of Excise, Siwan.
6. The S.H.O. of Goreyakothi, P.S. District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Anil Kumar Sinha -GA-1

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 24-04-2018 This writ petition has been filed for release of vehicles (Hero Splendor Plus Motorcycle of Petitioner No.1 bearing Registration No. BR29K-2539 and Hero Passion Pro Motorcycle of Petitioner No. 2 bearing Registration No. BR29N-8676), which have been seized in connection with Goreyakothi P.S. Case No. 27/2018 due to violation of the Excise Act. The prayer made in the writ petition is to release the vehicles 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 vehicles in question shall be released to the petitioners, on their furnishing two surety bonds each to the satisfaction of District Magistrate, Siwan and further undertaking to produce the vehicles as and when directed by the authority concerned and not to alienate or deal with the vehicles 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 vehicles 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)

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