

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8743 of 2018

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Rakesh Kumar Shahi @ Rakesh Kr. Shahi, S/o- Ravindra Prasad Shahi,
resident of Village- Harka Mansahi, P.S. Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Government of Bihar,
Excise Department, Patna
2. Collector-cum-District Magistrate, Muzaffarpur
3. Senior Superintendent of Police, Muzaffarpur
4. Excise Superintendent, Muzaffarpur
5. Officer-in-Charge, Minapur P.S., Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate
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 17-05-2018 This writ petition has been filed for release of Mobile of

SAMSUNG Company bearing IMEI Nos. 358974/08/111947/5 &

359026/08/111947/3 along with SIM of Airtel Company bearing No.

8809003862 & SIM of JIO Company bearing No. 9304536868 and

cash Rs. 7,200/- which have been seized in connection with Minapur

P.S. Case No. 119/2018 due to violation of the Excise Act. The prayer

made in the writ petition is to release the aforesaid articles 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/articles 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 articles in question shall be released to the petitioner, on his furnishing two surety bonds to the satisfaction of District Magistrate, Muzaffarpur and further undertaking to produce the aforesaid articles in question as and when directed by the authority concerned and not to alienate or deal with the aforesaid articles 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 articles 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)

P.K.P./-

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