

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9079 of 2018

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1. Chandrashekhar Singh, S/o- Rishidev Singh, R/O Village- Bagahi, P.O- Baiju Barhoga, P.S- Basantpur, District- Siwan.
 2. Sandeep Kumar Singh, S/O- Suresh Singh, R/O Village Bagahi, P.O- Baiju Barhoga, P.S- Basantpur, District- Siwan.
 3. Rani Bala Kumari, D/o- Late Shiv Kumar Singh, R/O –Village- Gorauli, P.O- Mahua, P.S- Baikunthpur, District- Gopalganj; at present-R/O Village –Bagahi, P.O- Baijur Barhoga, P.S.- Basantpur, District- Siwan.
 4. Puja Kumari, D/o- Suresh Singh, R/o village- Bagahi, P.O- Baiju Barhoga, P.S- Basantpur, 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 Basantpur P.S- District- Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey

For the Respondent/s : Mr. Kumar Manish -SC5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 16-05-2018 This writ petition has been filed for release of the vehicles (Hero Honda Glamour Motorcycle bearing Reg.No.BR29E-1562, Wagon R Car bearing Reg.No.BR29Y-4970, Hero M Maestro Scotty bearing Reg.No.BR28F-7692 and TVS Apache RTR 160 FR Motorcycle bearing Reg.No.BR-04V-2886), which have been seized in connection with Basantpur P.S. Case No. 243/17 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 vehicles Hero Honda Glamour Motorcycle bearing Reg.No.BR29E-1562 and Hero M Maestro Scotty bearing Reg.No.BR28F-7692 shall be released in favour of the petitioner nos.1 and 3 respectively, on their furnishing two surety bonds and the vehicles Wagon R Car bearing Reg.No.BR29Y-4970 and TVS Apache RTR 160 FR Motorcycle bearing Reg.No.BR-04V-2886 shall be released in favour of the petitioner nos.2 and 4 respectively on their furnishing Bank Guarantee 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/Bank Guarantee.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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