

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12824 of 2018

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1. Deepak Kumar @ Bada Babu son of Jagdish Yadav, resident of village – Bakara, P.S. – Giriyak, District – Nalanda.
 2. Umesh Kumar son of Janki Prasad, resident of village – Mirjapur, P.S. – Pakari Barawa, District – Nawada
 3. Rajeev Kumar, son of Ram Ishwar Prasad, resident of village – Makanpur, P.S. – Noor Sarai, District – Nalanda.
 4. Sanjeet Kumar, son of Ajay Prasad, resident of village – Devi Sarai, P.S. – Deep Nagar, District – Nalanda.

.... Petitioners

Versus

1. The State of Bihar through the Secretary, Excise Department, Government of Bihar.
2. The Secretary, Department of Excise, Government of Bihar, Patna.
3. The District Magistrate, Nalanda at Biharsharif.
4. The Superintendent of Police, Nalanda at Biharsharif.
5. The Officer-in-Charge, Deep Nagar Police Station within the district of Nalanda.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dr. Ajeet Kumar
For the Respondent/s : Mr. Anil Kumar Sinha -Gal

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

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-08-2018 This writ petition has been filed for release of mobile phones along with Sim Cards and cash amount of Rs. 5200/-, as prayed in the writ petition, of the petitioners which have been seized in connection with Deep Nagar P.S. Case No. 94/2018 due to violation of the Excise Act. The prayer made in the writ petition is to release the 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 petitioners, on his furnishing one surety bond to the satisfaction of District Magistrate, Nalanda at Biharsharif and further undertaking to produce the aforesaid articles as and when directed by the authority concerned and not to alienate or deal with the 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)

Arvind/rajeev

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