

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15428 of 2018

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Vishwanath Choudhari, S/o- Sudama Choudhari, R/o- Rampurbagicha Tola,
P.S.- Kargahar, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department, Government of Bihar, Old Secretariat, Patna- 800001.
2. The Secretary, Excise Department, Vikash Bhawan, Bailey Road, Patna, Bihar- 800001.
3. The District Magistrate, Rohtas, (Sasaram), Bihar, Collectorate, Rohtas District Sasaram, Ara Sasaram Road, Sasaram Bihar, Pin Code- 821115.
4. The Officer-in- Charge of Kargahar Police Station, Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh, Advocate
For the Respondent/s : Mr. Vivek Prasad- GP-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 07-08-2018 This writ petition has been filed for release of a vehicle (Splendor Plus Motorcycle) bearing Registration No. BR24U5706, which has been seized in connection with Kargahar P.S. Case No. 303 of 2017 due to violation of the provisions of the Excise Act.

It is common ground that in various cases, identical in nature, pending finalization of the confiscation/excise/criminal 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/excise proceedings and/or criminal case, the vehicle in question shall be released to the petitioner on the petitioner furnishing two surety bonds to the satisfaction of District Magistrate-cum-Collector, Rohtas (Sasaram) 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 during the pendency of the confiscation/excise proceedings and/or criminal case so as to create third party rights or prejudice the rights of the State in the pending proceedings. Valuation of the vehicle in question shall be done as per the valuation shown in the insurance documents.

The vehicle in question be released within one week from the date of furnishing the surety bonds.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./R.S.Sen-

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