

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4635 of 2018

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Sonu Kumar, Son of Late Anil Kumar Gupta, Mahajan, Resident of Village-
Bichali Road, P.S. Ara Nagar, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department.
2. The District Magistrate, Bhojpur at Ara.
3. The Superintendent of Police, Ara.
4. The Officer Incharge Ara Town, Police Station District Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, 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 15-03-2018 Respondents to file counter affidavit within four weeks.

List the matter for analogous hearing along with L.P.A. No.
1647 of 2015.

In the meanwhile, as the issue with regard to power of the District Magistrate to confiscate has been referred to the Larger Bench in L.P.A. No.1647 of 2015 and the same is pending consideration before the Larger Bench, we deem it appropriate to order release of the Maruti Van in question, bearing Registration No. BR-01 PE 0389 confiscated in connection with Misc. Appeal (Excise) No.28/2017 arising out of Ara Nagar (Town) P. S. Case No.92 of 2017 vide order dated 12.01.2018 by the Collector-cum- District Magistrate, Ara, to the petitioner,



if not already auctioned, on furnishing the bank guarantee to the satisfaction of the District Magistrate-cum-Collector, Ara in connection with the aforementioned case, within a period of one week from the date of furnishing the bank guarantee, subject to the condition that the petitioner shall make available the vehicle in question before the authority concerned as and when required and shall also not alienate or create third party interest or deal with the vehicle in any manner so as to prejudice the right of the State in confiscation proceedings.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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