

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.761 of 2018

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Ram Sograth Singh, S/o Late Jay Narayan Singh, resident of Village-
Shivnathpur, P.S.- Bibhutipur, District- Samastipur.

.... Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Excise Department, Patna.
2. The Divisional Commissioner, Excise Department, Bihar at Patna.
3. The District Magistrate, Samastipur.
4. The Superintendent of Police, Samastipur.
5. The S.I cum S.H.O, Bibhutipur, Police Station.

.... Respondents

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Appearance :

For the Petitioner : Mr. Mritunjay Kumar, Advocate

For the State : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR

UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 16-01-2018 This writ petition has been filed for release of a vehicle (HERO SPELENDER PRO Motor Cycle) bearing Registration No. BR-33S/2186, which has been seized in connection with Confiscation Case No.156 of 2017 arising out of Bibhutipur P.S. Case No.62 of 2017 due to violation of the Excise Act. The prayer made in the writ petition is to release the vehicle 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 aforesaid confiscation proceedings and criminal case, the aforesaid vehicle in question shall be released to the petitioner on his furnishing two surety bonds to the satisfaction of District Magistrate-cum-Collector, Samastipur and further undertaking to produce the vehicle as and when directed by the District Magistrate-cum-Collector, Samastipur and not to alienate or deal with the vehicle in question during the pendency of the confiscation proceedings and criminal case so as to create third party rights or prejudice the rights of the State in the pending proceedings.

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)

(Anil Kumar Upadhyay, J)

K.C.jha/-

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