

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7752 of 2018

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Bittu Mishra @ Nitish Mishra, Son of Umesh Mishra, Resident of Village-
Bari Durga Asthan, Ward No.3, P.S.- Rosera, District- Samastipur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise & Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise & Prohibition Department, Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, Samastipur (Bihar).
4. The Superintendent of Excise, Samastipur, District- Samastipur (Bihar).
5. The Superintendent of Police, Samastipur, District- Samastipur (Bihar).
6. The Officer In-charge, Rosera Police Station, District- Samastipur (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
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 24-04-2018 This writ petition has been filed for release of a vehicle (Scorpio) bearing Registration No. BR-09R-9959, which has been seized in connection with Rosera Sadar P.S. Case No. 70/2018 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 confiscation proceedings and aforesaid 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, Samastipur 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 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 vehicle 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)

P.K.P./-

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