

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6076 of 2018

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Subedar Bind Son of Sukhram Bind, R/o Village sariyaon, P.S. Durgawati,
District Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar, through the Commissioner Excise Department, State of Bihar Patna.
2. The Collector Cum District Magistrate, Kaimur at Bhabua.
3. The Superintendent of Police, Kaimur at Bhabua.
4. The Officer-in Charge of Durgawati Police Station, Kaimur at Bhabua.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

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 05-04-2018 Respondents to file counter affidavit within four weeks.

Having heard learned counsel for the parties, we find that a Motorcycle bearing Registration No. BR45A-3559 has been seized in connection with Durgawati P.S. Case No. 240/2017 registered against the petitioner due to violation of the Excise Act and Confiscation Case No. 243/2017-18 has been disposed of on 25.01.2018.

The question in respect to confiscation of vehicle by the concerned authorities has been referred to the Larger Bench in L.P.A. No. 1647 of 2015. Since the very issue is pending consideration before the Larger Bench, we deem it appropriate to



order release of the vehicle in question, mentioned hereinabove, to the petitioner, if not already auctioned, on furnishing two surety bonds to the satisfaction of the District Magistrate-cum-Collector, Kaimuar at Bhabhua, in connection with the aforementioned case, 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 deal with the vehicle in question in any manner so as to create a third party interest or prejudice the right of the State in confiscation proceeding. The vehicle in question shall be released to the petitioner within a period of one week from the date of furnishing of the sureties.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/-

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