

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14378 of 2018

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Mala Kumari @ Mala Devi Wife of Binay Mandal, Resident of Village-biri
Dakbangla, P.S.-Tarabari, District-Araria.

... .. Petitioner/s

Versus

1. The State of Bihar, through Secretary of Excise Department, Bihar at Patna.
2. The Collector-Cum-District Magistrate, Araria.
3. Superintendent of Police, Araria.
4. O.P. Officer of Kuari P.S., District-Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate
For the Respondent/s : Mr. Anil Kumar Sinha – GA 1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 31-07-2018

This writ petition has been filed for release of a vehicle (Motorcycle) bearing Registration No. BR-38H-9526, which has been seized in connection with Excise Special Case No. 558 of 2018 (arising out of Kursa Kanta (Kuari) P.S. Case No. 97 of 2018) 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, Araria 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)

K.C.Jha/Uma/-

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