

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15497 of 2018

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Maheshwar Kapar, son of Nageshwar Kapar, resident of village- Laduari,
Ward No.12, P.S-Parihar, District-Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise
Department, Government of Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The Superintendent of Police, Sitamarhi.
4. The Superintendent of Excise, Sitamarhi.
5. Mr. Abhay Kumar Singh, S.I. Excise, Mobile, Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Adv.

For the Respondent/s : Mr. Anil Kr. Sinha- GA1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-08-2018 This writ petition has been filed for release of a vehicle

Motorcycle bearing Registration No. BR30K-2771, which has

been seized in G.O. Case No.C2 Case No. 77/18 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, Sitamarhi, 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)

Arvind/-

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