

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14130 of 2018

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Mithilesh Harijan @ Mitlesh Harijan, son of Hori Lal Harijan, resident of
Satal Nihal Bhag Police Station Bahadurganj, District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration and Excise Department, Government of Bihar.
2. District Magistrate, Kishanganj.
3. D.G.P. of Bihar, Patna.
4. S.P. Kishanganj.
5. S.D.P.O. Kishanganj.
6. Superintendent of Excise Department, Kishanganj, and
7. S.H.O. Kishanganj- P.S., Kishanganj, District- Kishanganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh

For the Respondent/s : Mr. Vikash Kumar -SC11

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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 (Auto Piageo Rickshaw) bearing Registration No. BR11T-7456, which has been seized in connection with Kishanganj P.S. Case No. 371 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 Bank Guarantee to the satisfaction of District Magistrate, Kishanganj 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 Bank Guarantee.

With the aforesaid, the writ petition stands allowed and disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/-

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