

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3893 of 2018

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Shiv Shankar Paswan @ Arun Kumar, son of Suresh Paswan, resident of village-Jhakhra, P.S.-Sarairanjan, District-Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Patna.
2. The District Magistrate, Samastipur.
3. The Officer-in-Charge, Dalsingsarai, Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar

For the Respondent/s : Mr. ANIL KUMAR SINHA- GA1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 07-03-2018

This writ petition has been filed for release of a vehicle (Alto Car) bearing Registration No. BR-07-V2212 and two mobile phones which have been seized in connection with Dalsingsarai P.S. Case No.332 of 2017 due to violation of the Excise Act. The prayer made in the writ petition is to release the vehicle and mobile phones 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/articles 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 criminal case, if any, or to be initiated, the aforesaid vehicle and mobile phones in question shall be released to the petitioner, on his furnishing Bank Guarantee to the satisfaction of District Magistrate, Motihari, East Champaran, and further undertaking to produce the vehicle/articles as and when directed by the authority concerned and not to alienate or deal with the vehicle/articles 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/mobile phones 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/-

AFR/NAFR	
CAV DATE	
Uploading Date	12.03.2018
Transmission Date	

