

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5001 of 2018

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Police Kumar, son of Dhanchan Ray @ Ghana Chandra Rai, resident of Village - Janipur, Sorampur, P.S. - Janipur (Phulwari), District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Bihar, Patna.
2. The Excise Commissioner, Bihar Prohibition and Excise Act, 2016.
3. The Excise Officer, Bihar Prohibition and Excise Act 2016.
4. The District Collector, District - Patna, Bihar.
5. The Superintendent of Police, District - Patna, Bihar.
6. The Officer in-Charge of Pipra Police Station, District - Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad

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 JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 06-04-2018

This writ petition has been filed for release of a vehicle (Motorcycle) bearing Chassis No.MD634KE67G2G52103, Engine No.0E6GG2120018 Registration No.A/F (T.V.S. Apache), which has been seized in connection with Special Case No.3448 of 2017 arising out of Pipra P.S. Case No. 55/2017 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 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, Patna 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)

Arvind/-

(Rajeev Ranjan Prasad, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.04.2018
Transmission Date	NA

