

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5079 of 2018

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Anil Baitha Alias Anil Bhitha, son of Jalandhar Baitha, resident of village –
Kanhauli, P.S. Kanhauli, District – Sitamarhi.

.... Petitioner

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 Officer-in-Charge, Kanhauli Police Station, Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. AMIT KUMAR JHA

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: 05-04-2018

This writ petition has been filed for release of a vehicle
(Passion Pro Motorcycle) bearing Registration No. BR-30M-2012
which has been seized in connection with Kanhauli P.S. Case No.
151/2017 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, 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/-

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

