

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2218 of 2018

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Pankaj Rai, S/o Ram Pravesh Rai, Resident of Village- Naya Tola Rahimpur, P.S.-
Muffasil, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department at Patna.
2. The Divisional Commissioner, Excise Department of Munger Division at Munger.
3. The Collector, Khagaria at Khagaria.
4. The Superintendent of Police, Khagaria at Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Adv.

For the Respondent/s : Mr. KUMAR MANISH -SC5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 12-02-2018

This writ petition has been filed for release of a N.P. Bore Rifle No.AB-08-10793.315 Bore 90F (W.B.), which has been seized in connection with Barauni P.S. Case No.225 of 2017 due to violation of the provisions of Bihar Prohibition and Excise Act, 2016.

It is common ground that in various cases, identical in nature, pending finalization of the confiscation proceedings 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 aforesaid confiscation proceedings and/or criminal case, the aforesaid rifle in question shall be released to the petitioner subject to production of proper and valid arms licence of the competent authority on his furnishing two surety bonds to the satisfaction of District Magistrate-cum-Collector, Khagaria at Khagaria and further undertaking to produce the rifle as and when directed by the authority concerned and not to alienate or deal with the rifle in question during the pendency of the confiscation proceedings and/or criminal case so as to create third party rights or prejudice the rights of the State in the pending proceedings.

The rifle in question be released within one week from the date of furnishing the surety bonds.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13-02-2018
Transmission Date	

