

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6485 of 2018

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Md. Rehan, Son of Md. Nasimuddin, Resident of Village-Naya Tola, Damka,
P.S. Sadar District-Purnea ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
 2. The District Magistrate, District-Purnea.
 3. The Superintendent of Excise, Purnea District-Purnea.
 4. The S.I. of Sadar Police Station of District, Purnea ... Respondents
- =====

Appearance :

For the Petitioner : Mr. Nadimul Hasan. Adv.
For the Respondents : Mr. Vikash Kumar, SC XI

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 11-04-2018 Respondents to file counter affidavit within four weeks.

List the matter for analogous hearing along with
L.P.A. No. 1647 of 2015.

In the meanwhile, as the issue with regard to power of the District Magistrate to confiscate has been referred to the Larger bench in L.P.A. No. 1647 of 2015 and the same is pending consideration before the Larger Bench, we deem it appropriate to order release of the vehicle (Hero Honda Glamour motorcycle) bearing registration no. BR-11Y-6782 confiscated in connection with Excise Case No. 270 of 2017 arising out of Sadar P.S. Case No. 440 of 2017 vide order, dated 13.08.2017. by the Collector-cum-District Magistrate, Purnea, to



the petitioner, if not already auctioned, on furnishing two sureties to the satisfaction of the District Magistrate-cum-Collector, Purnea, in connection with the aforementioned case, within a period of one week from the date of furnishing the sureties, subject to the condition that the petitioner shall make available the vehicle in question before the authority concerned as and when required and shall also not alienate or create third party interest or deal with the vehicle in any manner so as to prejudice the right of the State in confiscation proceeding.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Shamshad/-

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