

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5709 of 2018

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1. Ashish Kumar Son of Rama Shankar Singh resident of Ward no - 19, Hari Je Ka Hata, Police Station - Ara Nawada in the district of Ara, Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise Deptt. Government of Bihar, Patna.
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, Ara, Bhojpur.
4. The Superintendent of Police, Ara, Bhojpur.
5. The Officer-in-Charge, Barhara, P.S. in the district of Ara, Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma
For the Respondent/s : Mr. A.K. 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: 06-04-2018

This writ petition has been filed for release of a vehicle (Motorcycle) bearing Registration No. BR03S-5528 which has been seized in connection with Barhara P.S. Case No. 261/2017 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 aforesaid confiscation proceedings and criminal case, the aforesaid vehicle in question shall be released to the petitioner, on his furnishing Bank Guarantee to the satisfaction of District Magistrate, Ara at Bhojpur, 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 Bank Guarantee.

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

