

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5915 of 2018

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Md. Majaffar Alam @ Mujaffar Alam Son of Khayer Alam Resident of Ghoru Gach (Daulat Gach), Paschim Arangaon, P.S. - Chopra, District - Uttar Dinajpur, West Bengal.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Excise and Prohibition, Govt. of Bihar, Patna.
2. The District Magistrate, Araria.
3. The Superintendent of Police, Araria.
4. The Office-in-charge of Jokihat Police Station, District - Araria.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Fakhruddin Ali Ahmad

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 (Bolero Pick Up of Mahindra & Mahindra) bearing Registration No. WB73E-1562 along with original registration certificate as well as two mobiles (White Samsung IMEI No. 357123075682822/01 & 35712307575682820/01 another Oppo Mobile IMEI No. 866343034168168) which have been seized in connection with Jokihat P.S. Case No. 397/2017 due to violation of the Excise Act. The prayer made in the writ petition is to release the vehicle/mobiles 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/mobiles 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 with original documents and two mobiles in question shall be released/returned to the petitioner, on his furnishing Bank Guarantee along with two local sureties to the satisfaction of District Magistrate, Araria after obtaining attested photocopy of the same 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 petitioner will himself attest the photocopy of the original documents of the vehicle before taking the vehicle and mobiles from the authorities. The aforesaid vehicle/mobiles shall be released within one week from the date of furnishing of the Bank Guarantee with two local sureties.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/ Rajeev

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.04.2018
Transmission Date	NA

