

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15673 of 2018**

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1. Shashi Kant Upadhyay, S/o- Ram Narayan Upadhyay, R/o Village-  
Sakas, P.S.-Sasaram (Darigaon) District-Rohtas

.... .... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar,  
Patna.
2. The District Magistrate, Rohtas.
3. The Superintendent of Police, Rohtas.
4. The Officer-in-Charge, P.S.- Sasaram (Darigaon), District-Rohtas.
5. Principal Secretary, Excise Department, Govt. of Bihar, Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ashutosh Tripathy, 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 ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

2      07-08-2018              This writ petition has been filed for release of a vehicle  
  
Hero Honda Motorcycle Passion Pro N/C bearing Registration No.  
  
BR24H-5303, which has been seized in connection with Sasaram  
  
(Darigaon) P.S. Case No. 971/2017 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, Rohtas 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/R.R.Ojha

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