

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6375 of 2018

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1. Sarwan Kumar Mahto @ Sharavan Kumar Mahto Son of Mahendra Mahto @ Bhagwan Lal Mahto, Resident of Village-Ganga Sagar, P.S.- Laheriasarai, District-Darbhangha (Bihar).

.... Petitioner/s

Versus

1. The The State of Bihar through the Principal Secretary, Registration, Excise & Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise & Prohibition Department, Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, Darbhanga, District-Darbhangha (Bihar).
4. The Superintendent of Excise, Darbhanga, District-Darbhangha (Bihar).
5. The Superintendent of Police, Darbhanga, District-Darbhangha (Bihar).
6. The Officer In-Charge, Darbhanga Sadar Police Station, District-Darbhangha (Bihar).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra

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 ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 10-04-2018 The petitioner is permitted to make necessary correction during the course of the day.

This writ petition has been filed for release of a vehicle (Tempo) bearing Registration No.BR07PA-3586 which has been seized in connection with Darbhanga Sadar P.S. Case No.432 of 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 two surety bonds to the satisfaction of District Magistrate-cum-Collector, Darbhanga and further undertaking to produce the vehicle as and when directed by the authority concerned and not to alienate to 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 stand allowed and disposed of.

(Rajendra Menon, CJ)

Sanjeev/-

(Rajeev Ranjan Prasad, J)

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