

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9062 of 2018

In
Cr. WJC 515 of 2018

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Prahalad Singh, Son of Ramlakahan Singh, Resident of Village-
Chitragopi, Police Station- Jamhore, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Govt. of Bihar.
2. The District Magistrate, Aurangabad.
3. The Superintendent of Excise Department, Aurangabad.
4. The Office In Charge, Nabinagar, Police Station, Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nivedita Nirvikar

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)

3 16-05-2018 Respondents to file counter affidavit within four weeks.

Having heard learned counsel for the parties, we find that a vehicle Bajaj Platina Bike bearing Registration No. BR-26L-1088 has been seized in connection with Nabinagar P.S. Case No. 48 of 2017 registered against the petitioner due to violation of the Excise Act and Confiscation Case No. 211/2017 has been disposed of on 24.10.2017.

The question in respect to confiscation of vehicle by the concerned authorities has been referred to the Larger Bench in L.P.A. No. 1647 of 2015. Since the very issue is pending



consideration before the Larger Bench, we deem it appropriate to order release of the vehicle in question, mentioned hereinabove, to the petitioner, if not already auctioned, on furnishing Bank Guarantee, within a period of one week from the date of submission of the Bank Guarantee, to the satisfaction of the District Magistrate-cum-Collector, Aurangabad in connection with the aforementioned case, 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 deal with the vehicle in question in any manner so as to create a third party interest or prejudice the right of the State in confiscation proceeding.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/-

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