

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13370 of 2018

In
Criminal Writ Jurisdiction Case No.1258 of 2018

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Barun Sahni, son of Rajendra Sahni, resident of Village + P.O.- Madhurapur,
P.S.- Bairgania, District- Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary-cum-Commissioner, Excise and Prohibition Department Govt. of Bihar, Patna.
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, Sitamarhi.
4. The Excise Superintendent Sitamarhi.
5. The Superintendent of Police, Sitamarhi.
6. The Officer-in-Charge, Majorganj Police Station, District- Sitamarhi.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Respondent/s : Mr. Anil Kumar Sinha -GA-1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 12-07-2018 Respondents to file counter affidavit.

List the matter for analogous hearing along with L.P.A.

No. 1647 of 2015.

In the meanwhile, as the issue with regard to power of the District Magistrate to confiscate has been referred to the Larger Bench in L.P.A. No. 1647 of 2015 and the same is pending consideration before the Larger Bench, we deem it appropriate to order release of the vehicle in question, bearing Model HF Delux, Engine No.HA11ENH4D25014, Chassis No. MBLHAR231H4B20818 confiscated in connection with



Confiscation Case No. 409 of 2017 vide order dated 05.12.2017 by the Collector-cum- District Magistrate, Sitamarhi, to the petitioner, if not already auctioned, on furnishing two sureties to the satisfaction of the District Magistrate-cum-Collector, Sitamarhi in connection with the aforementioned case, within a period of one week from the date of furnishing the sureties, 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 create third party interest or deal with the vehicle in any manner so as to prejudice the right of the State in confiscation proceedings.

The valuation of the vehicle in question shall be done as per the valuation shown in the insurance document.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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