

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14687 of 2018

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1. Manoj Giri, Son of Virendra Giri, Resident of Village-Bhawaniganj, P.O. & P.S. Manjagarh, Manjha, District-Gopalganj.
 2. Mahajan Gond @ Mahajan Sah Son of Ram Charitar Gond, Resident of Village-Shyamour, P.O. & P.S. Shampur, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Prohibition and Excise, Govt. of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Senior Superintendent of Police, Gopalganj.
4. The Excise Superintendent, Gopalganj.
5. The Officer In-Charge, Majhagarh Police Station, District-Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar, Advocate
For the Respondent/s : Mr. Vivek Prasad - GP-7

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-08-2018 This writ petition has been filed for release of two vehicles, one TVS XL-100 HD Scooty bearing Engine No. DPIDJ2353599, Chassis No. MD621EP13J2D80423 and one Hero Deluxe Motorcycle bearing Registration No. BR-28Q-5923, which have been seized in connection with Majhagarh P.S. Case No. 143/2018 due to violation of the Excise Act. The prayer made in the writ petition is to release the vehicles 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 Scooty in question shall be released to the petitioner no. 1, on his furnishing two surety bonds to the satisfaction of District Magistrate, Gopalganj and the aforesaid motorcycle be released to Petitioner No. 2 on his furnishing Bank Guarantee to the satisfaction of District Magistrate, Gopalganj and further undertaking to produce the vehicles as and when directed by the authority concerned and not to alienate or deal with the vehicles 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 vehicles shall be released within one week from the date of furnishing of the sureties and Bank Guarantee. Valuation of the vehicles in question shall be done as per the valuation shown in the insurance documents.



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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-Shukla

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