

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15163 of 2018

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Md. Gani, Son of Jakir, resident of Village- Parariya, P.S.- Hanwara,
District- Godda, Jharkhand.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Bihar, Patna.
2. District Magistrate, Banka.
3. S.S.P., Banka.
4. S.H.O. Dhoraiya, Police Station, Banka.
5. Police Sub-Inspector (I.O.), Dhoraiya, Police Station- Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Respondent/s : Mr. Anil Kr. Sinha- Ga1

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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 a vehicle

(Bajaj Platina Motorcycle) bearing Registration No. JH17H-8244,

which has been seized in connection with Dhoraiya P.S. Case No.

88 of 2018 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, Banka 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/Rajeev-

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