

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15534 of 2018

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Santosh Prasad, son of Dadan Prasad, resident of village – Ijari, Salempur,
P.S. – Ara Mufassil (Dhobha OP), District – Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The District Magistrate, Bhojpur.
3. The Superintendent of Police, Bhojpur
4. The Sub-Divisional Police Officer, Sadar Ara, District – Bhojpur.
5. The Station House Officer, Ara Mufassil (Dhobha OP) Police Station,
District – Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kalyan Shankar

For the Respondent/s : Mr. Kumar Manish- Sc5

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2. 07-08-2018

This writ petition has been filed for release of a vehicle (Hero HF Deluxe Motorcycle) bearing Registration No. BR03T-0988 which has been seized in connection with Ara Mufassil (Dhobha OP) P.S. Case No. 300 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 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, Bhojpur, Ara 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)

Rajeev/-

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