

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.7155 of 2018**

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Lal Dev Kaper @ Lal Dev Kumar, Son of Ram Lakhan Kapar, Resident of Village Koari, P.S. Bathnaha, District- Sitamarhi.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The Superintendent of Police, Sitamarhi.
4. The Excise Inspector, Sitamarhi.
5. Sri Manish Sharraf S.I., Excise Mobile, Sitamarhi.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Hans Lal Kumar

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 JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date: 16-04-2018**

This writ petition has been filed for release of a vehicle (Passion Plus Motorcycle) bearing Registration No. BR13M-3817, which has been seized in connection with Case No. C2-122/18 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, Sitamarhi 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/-

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| AFR/NAFR          |            |
| CAV DATE          |            |
| Uploading Date    | 18.04.2018 |
| Transmission Date |            |

