

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13360 of 2018

1. Raushan Kumar, son of Brahmdeo Singh, resident of Ward No. 38, Tar Bangla Dehri, P.S. Dehri, District Rohtas (Sasaram).
2. Rabi Choudhary, son of Rajendra Prasad Choudhary, resident of Bhaisaha, Manikpur, P.S. Dehri, District Rohtas (Sasaram).
3. Vipul Singh @ Vipil Kumar Singh, son of Nand Keshwar Singh Rajendra Prasad Choudhary, resident of Ward No.38, Tar Bangla Dehri, P.S. Dehri, District Rohtas (Sasaram).
4. Pankaj Kumar Singh, son of Late Nand Kishore Singh, resident of Village Pithanua Rampur, P.S. Barun, District Aurangabad.

... .. Petitioners

Versus

1. The State of Bihar, through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector Rohtas at Sasaram.
3. The Superintendent of Police, Rohtas, at Sasaram.
4. Arbind Kumar Gautam, the Officer In-charge Dehri Police Station Indrapuri, District Rohtas at Sasaram.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, 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 12-07-2018 This writ petition has been filed for release of the vehicle of petitioner no.1 (Motorcycle) bearing Registration No. BR24N5718, and mobile phone Samsung G610, vehicle of petitioner no.2 (Motorcycle) bearing Registration No.BR26D 5399, vehicle of petitioner no.4 (Motorcycle) bearing Registration No.BR03J 9328 and release of mobile phone (i) Gionee P7 Max Gold and (ii) Micromax Q338 belonging to petitioner no.3, which have been seized in connection with Indrapuri P.S. Case No. 1040 of 2017 due to violation of the Bihar Prohibition and Excise Act, 2016.

It is common ground that in various cases, identical in



nature, pending finalization of the confiscation proceedings, vehicles and mobiles 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 criminal case, the aforesaid vehicles and mobiles in question shall be released to the petitioners concerned on their furnishing two sureties each to the satisfaction of District Magistrate, Rohtas at Sasaram, within a period of one week from the date of their furnishing the sureties each and further undertaking to produce the vehicles and mobile phones as and when directed by the authority concerned and not to alienate or deal with the vehicles and mobile phones in question during the pendency of the confiscation proceedings and criminal case so as to cause adverse effect or prejudice to the State Government.

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

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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