

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13753 of 2018

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Bikram Birendra @ Bikram Birendra Ram Babu Sah, Son of Ram Babu Sah, House of R. Pandey, Resident of Mohalla- Shakti Nagar, Mohan Gupta Shop, Dehram Bag, Bombay, P.S.- Jageshwar (Est Maharastra), Mumbai, at present house of Ravindra Singh, New Bigrampur, Karbigahiya, Opposite Bus Stand Case No.2, P.S.- Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Deptt. of Excise, Govt. of Bihar, Patna.
2. The District Magistrate, Nalanda at Bihar Sharif. null null
3. The Superintendent of Police, Nalanda.
4. The Superintendent of Excise of Nalanda.
5. The Officer-in-Charge, Islampur, P.S.- Nalanda, Dist- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate
For the Respondent/s : Mr. Vikash Kumar- SC 11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 17-07-2018

This writ petition has been filed for release of a vehicle (Toyota Itos) bearing Registration No. BR 01DG 6555, which has been seized in connection with Islampur Case No. 86 of 2018 and the mobile (OPPO FIS64GB) bearing IMEI No. 867395030337654 due to violation of the provisions of the Excise Act.

It is common ground that in various cases, identical in nature, pending finalization of the confiscation/excise/criminal 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/excise proceedings and/or criminal case, the vehicle in question and the mobile shall be released to the petitioner on the



petitioner furnishing the bank guarantee and the necessary documents showing ownership to the satisfaction of District Magistrate-cum-Collector, Nalanda at Bihar Sharif 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 during the pendency of the confiscation/excise proceedings and/or criminal case so as to create third party rights or prejudice the rights of the State in the pending proceedings. Valuation of the vehicle in question shall be done as per the valuation shown in the insurance documents.

The vehicle in question be released within one week from the date of furnishing the bank guarantee.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/Uma-

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