

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8802 of 2018

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Md. Alam @ Md. Aalam, son of Abdul Bari, Resident of Village - Chilmil,
Police Station - Barahat, District - Banka.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise Prohibition, Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The Collector, Banka.
4. The Superintendent of Police, Banka.
5. The S.D.O., Banka.
6. The District Transport Officer, Banka.
7. The S.H.O. Panjwara Police Station, P.S. Panjwara, District - Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda
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 16-05-2018 Respondents to file counter affidavit within four weeks.

Having heard learned counsel for the parties, we find that a Hero Glamour Motorcycle bearing Registration No. JH-17K-5535 has been seized in connection with Panjwara P.S. Case No.26 of 2016 registered against the petitioner due to violation of the Excise Act and Confiscation (Excise) Case No. 06/17-18 has been disposed of on 23.02.2018.

The question in respect to confiscation of vehicle by the concerned authorities has been referred to the Larger Bench in



L.P.A. No. 1647 of 2015. Since the very issue is pending consideration before the Larger Bench, we deem it appropriate to order release of the vehicle in question, mentioned hereinabove, to the petitioner, if not already auctioned, on furnishing two surety bonds to the satisfaction of the District Magistrate-cum-Collector, Banka in connection with the aforementioned case, subject to the condition that the petitioner shall make available the vehicle in question before the authority concerned as and when required and shall also not alienate or deal with the vehicle in question in any manner so as to create a third party interest or prejudice the right of the State in confiscation proceeding. The vehicle in question shall be released to the petitioner within a period of one week from the date of furnishing of the sureties.

List the matter for analogous hearing along with
L.P.A. No. 1647 of 2015.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/-

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