

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19608 of 2015

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Vinod Kumar Yadav, son of Bindra Prasad Yadav, resident of village
Gardian Purwa, P.S. Vijay Nagar, District Kanpur (Uttar Pradesh)

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Finance Department, Government of Bihar,
Patna
3. The Commissioner, Sales Tax Department, Government of Bihar, Patna
4. The Joint Commissioner, Sales Tax, Integrated Check Post, Jalalpur,
Gopalganj, Government of Bihar, Patna
5. Commercial Tax Officer, Integrated Check Post, Jalalpur, Gopalganj,
Bihar

.... Respondents

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Appearance :

For the Petitioner/s : M/S. Prasant Sinha, Saket Tiwary &
Mayank Shekhar, Advocates

For the Respondent/s : Mr. Vikash Kumar, AC to PAAG

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**CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR
DATTA**

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

2 22-12-2015 Learned counsel for the petitioner is permitted to add the

Commercial Tax Officer, Integrated Check Post, Jalalpur,

Gopalganj as party respondent No.5 to the writ application in the

course of the day.

Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner confines the present
matter only with respect to release of the truck along with the
goods laden thereon and so far as the order dated 19.11.2015

passed under Section 60(4)(b) read with Section 56(4)(b) of the Bihar Value Added Tax Act, 2005 is concerned, by which a penalty of Rs. 8,50,846/- has been imposed, the petitioner intends to take recourse to the statutory remedies available under the Act.

In the above circumstances, the writ application is disposed of with liberty to the petitioner to take recourse to the statutory remedies so far as the order dated 19.11.2015 is concerned. However, if the petitioner furnishes Bank Guarantee for Rs.8,50,846/- before respondent No.5, the Commercial Tax Officer, Integrated Check Post, Jalalpur, Gopalganj then the vehicle along with the goods laden thereon shall be released forthwith.

Learned counsel for the State shall inform the respondent No.5 about this order, so that the release can be effected forthwith without insisting upon the certified copy of this order.

(Ramesh Kumar Datta, J)

(Sudhir Singh, J)

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