

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12345 of 2017

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Satendra Kr. Yadav, Son of Jehal Yadav, Resident of Village- Baijana, P.O.-
Bhalua, P.S.- Mohanpur, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Excise, New Secretariat,
Patna, Bihar.
2. The Collector, Gaya.
3. The S.P., Gaya.
4. The ASI, Fatehpur, P.S., District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : _____

For the Respondent/s : _____

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 11-09-2017 This writ petition has been filed for release of a vehicle (Bolero) bearing Registration No. BR 02N-5038, as is indicated in the seizure memo dated 24.07.2017 in paragraph 3 thereof, even though wrongly mentioned as BR 02H 5038 in the F.I.R., which has been seized in connection with Fatehpur P.S. Case No. 257/2017 registered under Sections 272, 273/34 of the Indian Penal Code and Sections 30(a)/30(d) of the Bihar Prohibition & Excise Act, 2016. The prayer made in the writ petition is to release the vehicle in question pending finalization of the confiscation proceedings, if any, and the aforesaid 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, if any, and the aforesaid criminal case, only the aforesaid vehicle in question (BR02N-5038) and not the materials (Mahua Flower) shall be released to the petitioner on his furnishing two surety bonds to the satisfaction of District Magistrate, Gaya and further undertaking to produce the vehicle as and when directed by the District Magistrate, Gaya and not to alienate or deal with the vehicle in question during the pendency of the confiscation proceedings and the aforesaid criminal case.

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

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

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