

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17729 of 2017

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Anil Kumar, son of Tahkur Prasad resident of Village- Dumrawan, P.O. Adhaura, P.S.- Adhaura, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary of the Excise Department, Bihar at Patna.
2. The Collector-cum-District Magistrate, Kaimur at Bhabua.
3. The Superintendent of Police, Kaimur at Bhabua.
4. The Officer in-charge of Police Station, Durgawati, District- Kaimur at Bhabua.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the Respondent/s : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR

UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 08-12-2017

This writ petition has been filed for release of a vehicle in question (Motorcycle) bearing Registration No. BR 45H 4436, which has been seized in connection with Bhabua P.S. Case No. 614 of 2017, due to violation of the Excise Act. The confiscation proceedings are pending and the prayer made in the writ petition is to release the vehicle in question pending finalization of the confiscation proceedings and 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 and aforesaid criminal case, the aforesaid vehicle in question shall be released to the petitioner on his furnishing Bank Guarantee to the satisfaction of District Magistrate, Bhabua with regard to the value of the vehicle and further undertaking to produce the vehicle as and when directed by the District Magistrate, Bhabua and not to alienate or deal with the vehicle in question during the pendency of the confiscation proceedings and criminal case.

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

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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