

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9397 of 2017

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Belu Pandey, son of Late Devki Pandey, resident of Village-Sadafar, P.S.-
Itkohari, District-Chatra, Jharkhand.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Excise,
New Secretariat, Patna, Bihar
2. The Collector, Gaya
3. The S.P., Gaya
4. The A.S.I, Barachatti (Mohanpur) P.S., District-Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Respondent/s : Mr. Anil Kumar Sinha-Ga1

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 23-08-2017

Having heard learned counsel for the parties

and looking to the fact and circumstances of the case, pending
finalization of the confiscation proceeding in Barachatti
(Mohanpur) P.S. Case No. 50 of 2017 pending before the District
Magistrate, Gaya for the offence under Sections 272, 273 of the
Indian Penal Code and Section 30(a), 32(2) of the Bihar Excise
Prohibition Act, 2016 and keeping in view the orders passed under
similar circumstances in various cases, as is evident from
Annexure-3 series filed along with the writ petition, the District
Magistrate, Gaya is directed to release the Bolero vehicle of the
petitioner bearing Registration No. JH02R/5084 on his furnishing



two surety bonds to the satisfaction of the District Magistrate, Gaya in Barachatti (Mohanpur) P.S. Case No. 50 of 2017, subject to the condition that the petitioner shall make available the vehicle in question before the authority concerned as and when directed and further that he shall undertake not to alienate the vehicle or deal with it in any manner whatsoever during the pendency of the confiscation proceedings before the District Magistrate.

On the petitioner fulfilling the aforesaid conditions, the vehicle in question be released to the petitioner pending finalization of the confiscation proceedings.

With the aforesaid, the petition stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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