

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18479 of 2017

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Jiyaul Hasnain @ Md. Ziaul Hasnain Son of Mohd. Maswood @ Md. Masud,
Resident of Village-Gaiyari, Purab Tola, P.S.-Araria, District-Araria

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Saran at Chapra,
3. The Assistant Excise Commissioner, Saran at Chapra.
4. The Superintendent of Excise, Saran at Chapra,
5. The Superintendent of Police, Saran at Chapra,
6. The Vehicle Inspector, Saran at Chapra,

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv.
For the Respondent/s : Mr. VIVEK PRASAD -GP7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 18-12-2017 This writ petition has been filed for release of a vehicle (Tata Indica Vista Car) bearing Registration No.BR 38D-6642, which has been seized in connection with Manjhi P.S. Case No.220 of 2016 due to violation of the Excise Act. The prayer made in the writ petition is to release the vehicle in question pending finalization of the confiscation proceedings and/or 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 aforesaid confiscation proceedings and/or criminal case, the aforesaid vehicle in question shall be released to the petitioner on his furnishing Bank Guarantee to the satisfaction of Collector-cum-District Magistrate, Saran at Chapra and further undertaking to produce the vehicle as and when directed by the Collector-cum-District Magistrate, Saran at Chapra and not to alienate or deal with the vehicle in question during the pendency of the confiscation proceedings and/or criminal case in any manner so as to create third party interest or cause prejudice to the rights of the State Government in the confiscation proceedings and/or criminal case.

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

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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