

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17690 of 2017

=====

Irfan Ansari, Son of Jainul Ansari, R/o Village- Jauti Malhi, P.s.-
Taryasujan, District- Kushinagar (UP).

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department, Patna, Bihar.
2. The Commissioner, Excise Department, Bihar, Patna.
3. The District Magistrate-cum-Collector, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Sub-Inspector, Jadopur Police Station, Gopalganj.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary, Advocate

For the Respondent/s : Mr. Vikash Kumar, SC-11

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR

UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 20-12-2017

This writ petition has been filed for release of a vehicle in question (Bolero Pick-Up Van) bearing Registration UP57T-9510, which has been seized in connection with Yadopur P.S. Case No. 75 of 2017 due to violation of the Excise Act. The confiscation proceedings bearing Excise Case No. 324 of 2017 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 equivalent to the value of the vehicle to the satisfaction of District Magistrate, Gopalganj within a period of one week from the date of furnishing the bank guarantee and further undertaking to produce the vehicle as and when directed by the District Magistrate, Gopalganj 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)

Uday/-

U			
---	--	--	--

