

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8912 of 2017

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Prem Lal Yadav Son of Narsingh Yadav resident of Village - Baghari, Tola
- Manorathi, Police Station - Runnisaidpur, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through Home Secretary, Old Secretariat, Patna.
2. The Superintendent of Police, Gopalganj.
3. The Deputy Superintendent of Police, Gopalganj.
4. The Officer-in-charge of Gopalganj Police Station, Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mani Bhushan Kumar, Adv
For the Respondent/s : Mr. Md. N.H. Khan- Sc1

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CORAM: HONOURABLE THE CHIEF JUSTICE
And
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER
(Per: HONOURABLE THE CHIEF JUSTICE)

3 18-08-2017 The petitioner has invoked the jurisdiction

of this Court and seek release of the Truck bearing No. DL 1M

8471, a six wheelers truck which was found to be carrying 58

cartoon of foreign liquor for which Kuchaikote P.S. Case No.

193 of 2016 has been registered against the petitioner and

various other persons under Sections 272, 273, 420, 34 of the

Indian Penal Code and 47(a) (47(g) of the Excise Act.

Seeking release of the vehicle, pending

finalization of the criminal case and the confiscation



proceedings, this writ petition has been filed and orders passed by this Court in various writ petitions identical in nature directing for release of the vehicle have been brought to our notice and similar reliefs are claimed.

Taking note of the facts and circumstances of the case and the fact that in various other cases, on strict conditions, we have directed for release of the vehicle, we allow this petition also and direct that the vehicle in question alone bearing vehicle (Truck) No. DL 1M 8471, shall be released to the petitioner on the petitioner furnishing bank guarantee to the value of the vehicle which has been indicated in the document filed by the petitioner i.e. Annexure-3 which shows that the value of the vehicle is Rs. 10,71,000/-, 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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