

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18327 of 2017

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Avinash Kumar Gupta @ Avinash Gupta, son of Rajendra Prasad Gupta,
resident of Village- Sameli, Police Station- Falka (Kothia O.P.), District-
Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise & Prohibition Department, Government of Bihar, Patna-800001.
2. The District Magistrate cum Confiscation Officer, District Bhagalpur.
3. The Senior Superintendent of Police, District- Bhagalpur.
4. The Officer-in- Charge, Kotwali Police Station, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Adv.
For the Respondent/s : Mr. Vikash Kumar-SC11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 14-12-2017 This writ petition has been filed for release of a vehicle (Scorpio) bearing Registration No. BR-11H-9709, which has been seized in connection with Bhagalpur Kotwali P.S. Case No.135 of 2017 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 two surety bonds to the satisfaction of District Magistrate-cum-Confiscation Officer, Bhagalpur, and further undertaking to produce the vehicle as and when directed by the Collector-cum-District Magistrate-cum-Confiscation Officer, Bhagalpur 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)

K.C.Jha/-

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