

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18161 of 2017**

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Surender Chaudhary, Son of Late Narain Chaudhary, Resident of Mohalla-  
Bada Telpa, P.S.- Chapra Nagar, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Excise Commissioner, Government of Bihar, Patna.
2. The District Magistrate, Cum Collector, Saran District- Saran.
3. The Superintendent of Police (SP), Saran.
4. The Excise Superintendent, Saran, District- Saran.
5. The Station House Officer (SHO), Police Station- Garkha, District- Saran.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar Sharma, Adv.  
For the Respondent/s : Mr. KUMAR MANISH -SC5

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

2      13-12-2017                      This writ petition has been filed for release of a vehicle (Three Wheeler Vehicle) bearing Registration No. BR04J-3973, which has been seized in connection with Garkha P.S. Case No.292 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 bank guarantee to the satisfaction of Collector-cum-District Magistrate, Saran, Chapra and further undertaking to produce the vehicle as and when directed by the Collector-cum-District Magistrate, Saran, 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)**

K.C.Jha/-

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