

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15560 of 2018

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Anand Chaudhari, Son of Krishna Chaudhary, Resident of Village-
Rupanchak Sesari, P.S.- Gurua, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, Gaya Bihar.
3. The Senior Superintendent of Police, Gaya, Bihar.
4. The Office Incharge, Sherghati Police Station, District- Gaya, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Respondent/s : Mr. Kumar Manish – SC 5

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

2 08-08-2018 This writ petition has been filed for release of a
vehicle (Hero Passion Pro Motorcycle) bearing Registration No.
BR-02U-1775, which has been seized in connection with
Sherghati P.S. Case No. 248 of 2018 due to violation of the
provisions of the Excise Act.

It is common ground that in various cases, identical
in nature, pending finalization of the confiscation/excise/
criminal proceedings, vehicles have been directed to be released
by Coordinate Bench of 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/excise proceedings



and/or criminal case, the vehicle in question shall be released to the petitioner on the petitioner furnishing the bank guarantee to the satisfaction of District Magistrate-cum-Collector, Gaya and further undertaking to produce the vehicle as and when directed by the authority concerned and not to alienate or deal with the vehicle in question during the pendency of the confiscation/excise proceedings and/or criminal case so as to create third party rights or prejudice the rights of the State in the pending proceedings. Valuation of the vehicle in question shall be done as per the valuation shown in the insurance documents.

The vehicle in question be released within one week from the date of furnishing the bank guarantee after ascertaining that the vehicle has not been used in an identical nature of offenses at any earlier point of time.

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

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

K.C.Jha/Uma/-

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