

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3343 of 2018

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Kamlesh Kumar, S/o Late Chandradev Sharma, R/o Village- Makhara, P.S.-
Obra, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Collector-cum-District Magistrate, Aurangabad.
4. The Superintendent of Excise, Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Respondent/s : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR

UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 23-02-2018

This writ petition has been filed for release of a vehicle in question (Indigo C.S. Car) bearing Registration No. BR 26C - 8501, which has been seized in connection with Aurangabad (Town) P.S. Case No. 256 of 2017, due to violation of the Excise Act. The confiscation proceedings, being Excise Case No. 427 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 two surety bonds to the satisfaction of District Magistrate, Aurangabad, within a period of one week from the date of furnishing the sureties, and further undertaking to produce the vehicle as and when directed by the District Magistrate, Aurangabad 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)

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