

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3930 of 2018

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1. Ram Bharosa @ Ram Bharosh Yadav, Son of Sri Dukhan Yadav, Resident of Village- Butoi Police Station- Sahar, District- Ara (Bihar) At Present C-60, Sector 44 Noida, Gautam Budha Nagar, Uttar Pradesh.

.... Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Excise Department at Patna.
2. The Divisional Commissioner, Excise Department of Darbhanga Division, Darbhanga.
3. The Collector, Madhubani.
4. The Superintendent of Police, Madhubani.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Respondent/s : Mr. A.K. Sinha- GA1

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 07-03-2018

This writ petition has been filed for release of a vehicle (Innova Car) bearing Registration No. UP16AT9615 which has been seized in connection with Lakhnour P.S. Case No. 107/2017 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 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 criminal case, the aforesaid vehicle in question shall be released to the petitioner, on his furnishing Bank Guarantee to the satisfaction of District Magistrate, Madhubani 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 or create a third party interest during the pendency of the confiscation proceedings and criminal case or prejudice the right of the State in confiscation proceeding. The aforesaid vehicle shall be released within one week from the date of furnishing of the Bank Guarantee.

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

(Rajendra Menon, C.J.)

(Rajeev Ranjan Prasad, J.)

Arvind/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.03.2018
Transmission Date	NA

