

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4331 of 2018

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Prakash Kumar Sah, son of Akal Dev Sah, R/o Gulabbagh, P.S. Sadar, District-Purnea State Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Excise Department, Purnea Division, Purnea.
3. District Magistrate, Purnea.
4. Superintendent of Police, Purnea.
5. Officer In Charge P.S. Dagarua, District Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar

For the Respondent/s : Mr. ANIL KR. 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: 12-03-2018

This writ petition has been filed for release of a vehicle (Tata Xenon Pick-up) bearing Registration No. BR-11S-1583 which has been seized in connection with Dagarua P.S. Case No.215 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 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 with one local surety, to the satisfaction of District Magistrate, Purnea, 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, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	15.03.2018
Transmission Date	

