

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2703 of 2018

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Sushma Rani, wife of Late Nirmal Ojha, R/o Mohalla – Qr. No. B/165,
Near Panchmukhi Hanuman Mandir, Section 2, P.S. Dhurwa, District
Ranchi

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Excise Department,
Bihar, Patna,
2. The District Magistrate, Gaya,
3. The Senior Superintendent of Police, Gaya,
4. Officer In charge, Khizarsarai, Gaya.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate.

For the Respondent/s : Mr. Anil Kr. Sinha, GA 1.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

15 15-02-2018 This writ petition has been filed for release of a vehicle

(Tata Sumo Gold) bearing Registration No. JH-01-CK-1178,

which has been seized in connection with Khizarsarai P.S. Case

No. 332/2017 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, 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 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)

Dilip, AR

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