

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4922 of 2018

=====

Sharwan Kumar @ Shrawan Kumar, Son of Saryug Mishra, resident of Mohalla-
Pathar Ki Masjid, P.S. Mahendru, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Superintendent of Police (S.P.), Gaya.
4. The Station House Officer, Barachatti Police Station, District Gaya.

.... Respondent/s

=====

Appearance:

For the Petitioner/s : Mr. Ramchandra Sahni

For the Respondent/s : Mr. VIVEK PRASAD -GP7

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 21-03-2018

This writ petition has been filed for release of a vehicle
(JEEP Scorpio) bearing Registration No. BR-01P PB 9938, Chassis
No. MA1TH2 GMKE5F96110, Engine No. GME4F82943 which has
been seized in connection with Barachatti P.S. Case No. 378/16 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)

Arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	27.03.2018
Transmission Date	

