

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2499 of 2018

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Kanhaiya Upadhya @ Kanhaiya Upadhyay, S/o Late Jokhan Upadhya,
Resident of Village- Majhauria, P.S.- Majhauria, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise & Prohibition Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Excise & Prohibition Department, Govt. of Bihar, Patna.
3. The Collector-cum-District Magistrate, East Champaran at Motihari.
4. The Superintendent of Police, East Champaran at Motihari.
5. The Officer-in-Charge, Dumariyaghat Police Station, Dumariyaghat, Dist- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Respondent/s : Mr. Kumar Manish -SC5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-02-2018

This writ petition has been filed for release of a vehicle (pick-up vehicle) bearing Registration No. BR-22Q/5585, which has been seized in connection with



Dumariyaghat P.S. Case No. 84/2017 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 confiscation proceedings and aforesaid criminal case, the aforesaid vehicle in question shall be released to the petitioner, on his furnishing Bank Guarantee to the satisfaction of District Magistrate, East Champaran at Motihari 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)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	19.02.2018
Transmission Date	

