

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5937 of 2018

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1. Avinash Kumar, Son of Baidhnath Prasad @ Baijnath Prasad, Resident of Mohalla- Sonatand, P.S.- Marafari Bokaro, District- Bokaro (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Bhojpur.
3. The Superintendent of Police, Bhojpur, District- Bhojpur.
4. The Officer-in-Charge, Ara Nawadah Police Station, District- Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

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 ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 10-04-2018 This writ petition has been filed for release of a vehicle (Bolero Pick up) bearing Registration No.JH09AB2140 which has been seized in connection with Ara Nawadah P.S. Case No.119 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 two local sureties to the satisfaction of District Magistrate-cum-Collector, Bhojpur at Ara 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)

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