

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6621 of 2018

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1. Abdul Kudush, son of Md. Ekbal, resident of Village- Shanichaira, P.S.-
Nagar, District- Saharanpur.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Govt.
of Bihar, Patna.
2. The District Magistrate cum Collector, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The S.H.O. Kuchaykot Police Station, District- Gopalganj.
5. The Investigating Officer of Kuchaykot P.S. Case No. 242/17 Kuchaykot
Police Station, Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey
For the Respondent/s : Mr. Vivek Prasad -Gp7

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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
(Truck) bearing Registration No.HR-58A-4754 which has been
seized in connection with Kuchaykot P.S. Case No.242 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 to the satisfaction of District Magistrate-cum-Collector, Gopalganj 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)

Sanjeev/-

(Rajeev Ranjan Prasad, J)

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