

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7123 of 2018

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Binod Kumar Yadav @ Vinod Kumar Yadav, son of Doman Yadav, resident of Village-Theghra, P.S.-Fesar, District-Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The District Magistrate cum Collector, Aurangabad.
3. The Senior Superintendent of Police, Aurangabad.
4. The S.H.O. Fesar Police Station, District-Aurangabad.
5. The Investigating Officer, Fesar P.S. Case No.36 of 2017, P.S.-Fesar, Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha

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 JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 17-04-2018

This writ petition has been filed for release of a vehicle (Honda Libho Motorcycle) bearing Registration No. BR-02AF-3246, which has been seized in connection with Fesar P.S. Case No. 36 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 confiscation proceedings and aforesaid criminal case, the aforesaid vehicle in question shall be released to the petitioner, on his furnishing two surety bonds to the satisfaction of District Magistrate, Aurangabad 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 sureties.

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	18.04.2018
Transmission Date	

