

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5524 of 2018

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Naushad Khan, son of Nazbul Hoda Kha, R/o Village Ismailpur, P.S. Gurua,
District Gaya

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Excise Department, State of Bihar, Patna,
2. The Collector cum District Magistrate, Patna,
3. The Supdt. Of Police, Patna, Bihar,
4. The Officer-in-Charge of Kadirganj Police Station.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

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 JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 28-03-2018

This writ petition has been filed for release of a vehicle (Truck 14 Wheelers) loaded with sand bearing Registration No. BR-02GA-0686 which has been seized in connection with Kadirganj P.S. Case No. 22 of 2018 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 loaded with sand in question shall be released to the petitioner, on his furnishing two surety bonds to the satisfaction of the Collector-cum-District Magistrate, Patna 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)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	31.03.2018
Transmission Date	N/A

