

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7705 of 2018

Bindeshwar Chaudhary, son of Late Ramlal Chaudhary, R/o- Mohalla-
Phulwari Sharif, Near Mahavir Cancer Hospital, P.S.- Phulwari Sharif,
District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Patna, Bihar
2. The Collector, Patna
3. The Senior Superintendent of Police, Patna
4. The S.H.O. Phulwari Sharif, Patna
5. The I.O. in Phulwari Sharif P.S. Case No. 496/17

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan Sinha, Advocate
For the Respondent/s : Mr. Vikash Kumar- SC11

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 24-04-2018 This writ petition has been filed for release of a
vehicle (Tata Indigo ECSLXTDI) bearing Registration No.
BR01CN2057, which has been seized in connection with
Special Case No. 5094/17, arising out of Phulwari Sharif P.S.
Case No. 496/17 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, 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)

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