

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8780 of 2018

=====

Basant Chaudhary @ Basant Kumar Chaudhary Son of Late Kari Chaudhary,
Resident of Village-Sarshi, Ward No.5, P.S.-Sadar-Saharsa, District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Excise Commissioner, Government of Bihar, Patna.
2. The District Magistrate Cum Collector, District-Saharsa.
3. The Superintendent of Police, (SP), Saharsa.
4. The Excise Superintendent, District-Saharsa.
5. The Excise Inspector, Saharsa.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Subesh Sharma, Advocate
For the Respondent/s : Mr. Vivek Prasad- GP-7

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 21-06-2018 This writ petition has been filed for release of a vehicle (HERO Motorcycle, Model- HF DELUXE) bearing Chassis No. MBLHAR230H9K29877, Engine No. HA11ENH9K12811, which has been seized in connection with Special (Excise) Case No. 632/2017 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 Bank Guarantee to the satisfaction of District Magistrate, Saharsa 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)

P.K.P./-

U			
---	--	--	--

