

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9025 of 2018

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Chand Ali Ahmed @ Md. Chand Ali Ahmed, Son of S. Mollah, Resident of House No- 6, Biharbari, A.G. Colony Back Side of Sumitrapur Niribili Path, Gauhati District- Kamrup (M), (Assam).

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Patna.
2. The District Magistrate-Cum- Collector, Muzaffarpur.
3. The Superintendent of Police, Muzaffarpur.
4. The Office-in- Charge of Hathauri Police Station, District- Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar, Advocate
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)

3 28-06-2018 This writ petition has been filed for release of a vehicle (TATA HGV Truck) bearing Registration No. AS01CC4188, which has been seized in connection with Hathauri P.S. Case No. 45 of 2018 due to violation of the provisions of the Excise Act.

It is common ground that in various cases, identical in nature, pending finalization of the confiscation/excise/criminal 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/excise proceedings and/or criminal case, the vehicle in question shall be released to the petitioner on the petitioner furnishing Bank Guarantee and two local sureties to the satisfaction of District Magistrate-cum-Collector, Muzaffarpur 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 during the pendency of the confiscation/excise proceedings and/or criminal case so as to create third party rights or prejudice the rights of the State in the pending proceedings.

The vehicle in question be released within one week from the date of furnishing Bank Guarantee.

With the aforesaid, the writ petition stands allowed and disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.jha/-N.H.

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