

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9802 of 2018

=====

Md. Shamim Akhtar @ Md. Shamim, S/o Abdul Majid, resident of
Mohalla-Pothia, Dekabhinja, P.S. and District-Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt.of Bihar, Patna.
2. The Collector cum District Magistrate, Purnea.
3. The Superintendent of Police, Purnea.
4. The S.H.O. Dagarua police Station, P.S.-Dagarua, District-Purnea.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

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 16-05-2018 This writ petition has been filed for release of a vehicle

(Bolero) bearing Registration No. WB-77-7526, which has been

seized in connection with Dagarua P.S. Case No. 201/2017 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 aforesaid confiscation proceedings and criminal case, the aforesaid vehicle in question shall be released to the petitioner, on his furnishing Bank Guarantee to the satisfaction of District Magistrate, Purnea 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 Bank Guarantee.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/-

U			
---	--	--	--

