

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11208 of 2018

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Kamlesh Chaudhari son of Charitra Chaudhary @ Chalitra Chaudhari
Resident of Kosama, Village - Malahari, P.S. - Imamganj, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Prohibition, Excise and Registration Department, Govt. of Bihar.
2. The Excise Commissioner, Govt. of Bihar.
3. The Deputy Commissioner (Excise Magadh).
4. The Assistant Commissioner (Excise), Gaya.
5. The District Magistrate, Gaya.
6. The Senior Superintendent of Police, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Indrajesh Kumar, Advocate
For the Respondent/s : Mr. Vikash Kumar -SC11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 30-07-2018 This writ petition has been filed for release of a vehicle (Glamor Motorcycle) bearing Registration No. BR-02AB-6972, which has been seized in connection with Imamganj P. S. Case No. 144 of 2016 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 two surety bonds to the satisfaction of District Magistrate-cum-Collector, Gaya 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 the surety bonds. Valuation of the vehicle shall be done as per insurance document.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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