

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.317 of 2018

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Deepak Choudhary @ Deepak Kumar Choudhary

.... Petitioner/s

Versus

The State of Bihar Through Principal Secretary Excise Department,
Begusarai & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr. Vivek Prasad (Gp 7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 20-04-2018

In the light of order dated 04.04.2018 passed by this court, it was noticed that in the confiscation order which has been brought on record does not contain the vehicle in question being one of the confiscated item as shown in the operative part of the order. Finding this, learned counsel for the State was directed to seek instruction and to inform this court as to whether any separate order has been passed confiscating the Bolero vehicle.

A counter affidavit has now been filed on behalf of this respondent no. 3, the Superintendent of Police, Begusarai, in para-8, it is stated that the alleged vehicle was used for commission of an offence and so it is liable to confiscation. It is also submitted that a proposal for confiscation was sent to the District Magistrate, Begusarai



on which the confiscation case was drawn and registered, but the counter affidavit is conspicuously silent on the issues which have been raised and recorded in the last order of this court.

Learned counsel for the State is present and categorically admits that the position as on today is that in the confiscation order this vehicle has not been shown confiscated.

Without going into the details of the matter as the petitioner has moved this court only for provisional release of the vehicle in question at this stage when there is no order of confiscation in respect of the vehicle, this Court directs provisional release of the same within a period of one week from today on furnishing a surety bond of Rs. 6,00,000/- (Six Lakhs only) with two sureties of the like amount each to the satisfaction of District Magistrate, Begusarai, in connection with Bachhwara P.S. Case No. 129/2017, as the case may be.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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