

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2044 of 2018**

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Md. Ashik Nawaj @ Md. Aashik Nawaj, Son of Rahmat Miyan, Resident of  
Village- Hussepur, P.S.- Basantpur, District- Siwan.

.... .... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,  
Govt. of Bihar, Patna.
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The Officer in Charge, Basantpur, Police Station, District- Siwan.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar, Advocate.

For the Respondent/s : Mr. Anil Kumar Sinha, GA 1

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

2      13-02-2018      This writ petition has been filed for release of a vehicle  
  
Mahindra Maxima Van bearing Registration No. BR-29PA-2035  
  
(Engine No. HIG6B14174, Chassis No. MA1FK2HLWG6B3182)  
  
which has been seized in connection with Basantpur P.S. Case No.  
  
188/2017 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-cum-Collector, Siwan 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)**

Dilip, AR

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