

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4209 of 2018

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Umesh Kumar, S/o Valmukunda Sah @ Balmukund Sah, resident of –Naya Bazar,
Ward No.26, Gopal Bhandar Gali, P.S.-Lakhisarai, District-Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Excise,
Government of Bihar, Patna.
2. Principal Secretary, Department of Excise, Government of Bihar, Patna.
3. The Collector, Lakhisarai.
4. Superintendent of Police, Lakhisarai.
5. Station House Officer (SHO) Surajgarha Police Station, Lakhisarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi

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 JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 12-03-2018

This writ petition has been filed for release of a vehicle
(Tempo) bearing Registration No. BR-46P-1050 which has been
seized in connection with Surajgarha P.S. Case No. 188 of 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 two surety bonds to the satisfaction of District Magistrate, Lakhisarai, 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 sureties.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	16.03.2018
Transmission Date	

