

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1899 of 2018

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1. Dipak Kumar S/o Upendra Ray @ Upendra Kumar R/o Madhopur Susta , P.S. Maniyari Distt. Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Excise and Prohibition, Govt. of Bihar.
2. The District Magistrate, East Champaran at Motihari.
3. The Police Superintendent East Champaran at Motihari.
4. The Officer Incharge of Gayaghat Police Station E. Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Respondent/s : Mr. ANIL KUMAR SINHA -GA1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 01-02-2018

As sought for, learned counsel for the petitioner is permitted to make necessary correction in the application with regard to the name of the police station during the course of the day.

This writ petition has been filed for release of a vehicle (Maruti Swift Dzire BSIV) bearing Registration No.BR-06AN-9788, which has been seized in connection with Dumariyaghat P.S. Case No.167 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 bank guarantee to the satisfaction of District Magistrate-cum-Collector, East Champaran at Motihari and further undertaking to produce the vehicle as and when directed by the District Magistrate-cum-Collector, East Champaran at Motihari, and not to alienate or deal with the vehicle in question during the pendency of the confiscation proceedings and 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 bank guarantee.

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

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09-02-2018
Transmission Date	

