

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4643 of 2018

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M/s Avadi Automobiles, Nahar Par, Old Police Check Post, Bailey Road, Patna through its Partner namely Arnika Kumari, aged about 35 years, Wief of Shri Virendra Kumar, Resident of Mohalla- Khajpura, B.V. College, Rukanpura, Bailey Road, P.S.- Hawai Adda, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Superintendent of Police, Patna.
4. The Excise Superintendent, Patna.
5. The Officer In-charge of Rajeev Nagar Police Station, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Respondent/s : Mr. KUMAR MANISH- SC5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 21-03-2018

This writ petition has been filed for release of a vehicle bearing Registration No. BR-1TC 0480 which has been seized in connection with Spl. Case No. 7274/17 arising out of Rajeev Nagar P.S. Case No. 293/17 due to violation of the Excise Act. The prayer made in the writ petition is to release the vehicle in question for which



a confiscation proceeding is likely to be initiated or pending finalization of the confiscation proceedings and criminal case, if already initiated.

It is common ground that in various cases, identical in nature, pending finalization of the confiscation proceedings or in a case where confiscation proceeding is likely to be initiated, the 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 or in a case where confiscation proceeding is likely to be initiated, the aforesaid vehicle in question shall be released to the petitioner, on his furnishing two surety bonds to the satisfaction of District Magistrate, Patna, 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 or initiation 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	27.03.2018
Transmission Date	

