

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10258 of 2018

Bindeshwar Ray, S/o Ganga Ray, R/o Village- Rampur Dumri, P.S.- Goraul,
District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Excise Department, Bihar, Patna.
2. Principal Secretary, Home, Bihar, Patna.
3. Excise Commissioner, Bihar, Patna.
4. D.M. Vaishali, Bihar.
5. S.P., Vaishali.
6. S.H.O. Patepur, P.S. Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mrs. Rina Sinha, Advocate
For the Respondent/s : Mr. Vivek Prasad -GP-7

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 17-07-2018

This writ petition has been filed for release of a vehicle (Tractor along with Tailor) bearing Engine No.NJWH02680 which has been seized in connection with Patepur P.S. Case No. 162 of 2017 due to violation of the Bihar Prohibition and Excise Act, 2016.

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 confiscation proceedings and criminal case, the aforesaid vehicle in question shall be released on the petitioner producing adequate proof with regard to the ownership of the vehicle in question and on his furnishing bank guarantee to the satisfaction of District Magistrate, Vaishali within a period of one week from the date of his furnishing the bank guarantee 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 during the pendency of the confiscation proceedings and criminal case so as to cause adverse effect or prejudice to the State Government.

The valuation of the vehicle in question shall be done as per the valuation shown in the insurance document.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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