

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11183 of 2018

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Biswarup Chakarbarty @ Bivas, son of Biswanath Chakarbarty, resident of village- Netajepally, Islampur, P.S.- Islampur, District- Uttar Dinajpur, West Bengal.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration Excise Prohibition Department, Bihar, Patna.
2. The District Magistrate cum- Collector, Darbhanga, Bihar.
3. The Superintendent of Excise, Darbhanga.
4. The Superintendent of Police, Darbhanga.
5. The Officer in-charge, Darbhanga Town Police Station, Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate

For the Respondent/s : Mr. Vivek Prasad- GP7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN

PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 21-06-2018 This writ petition has been filed for release of a vehicle (Bolero Pickup) bearing Registration No. WB91-1888, which has been seized in connection with Darbhanga Town P.S. Case No. 35 of 2018 due to violation of the provisions of the Excise Act.

It is common ground that in various cases, identical in nature, pending finalization of the confiscation/excise/criminal 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/excise proceedings and/or criminal case, the vehicle in question shall be released to the petitioner on the petitioner furnishing Bank Guarantee to the satisfaction of District Magistrate-cum-Collector, Darbhanga, Bihar 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/excise proceedings and/or 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 Bank Guarantee.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.jha/-

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