

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12119 of 2018

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Shankar Sah, Son of Ekbal Sah, resident of Turkauliya, P.S.- Turkauliya, District- East Champaran at Present resident of Balua Chawck, Ward No. 28, Near Chandan Complex, Balua, P.S.- Motihari Town, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Registration Excise and Prohibition Department, Govt. of Bihar, Patna.
3. The District Collector, Motihari, East Champaran.
4. The Superintendent of Excise, Motihari, East Champaran.
5. The Assistant Sub Inspector, B. COY Kundwachain Pur, 20 Bn S.S.B. Sitamarhi, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Respondent/s : Mr. Vivek Prasad – GP 7

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 23-07-2018 This writ petition has been filed for release of a vehicle (Tempu) bearing Registration No. BR-05PA-2555, which has been seized in connection with Excise Case No. 154 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 the bank guarantee to the satisfaction of District Magistrate-cum-Collector, Motihari, East Champaran 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. Valuation of the vehicle in question shall be done as per the valuation shown in the insurance documents.

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)

(Rajeev Ranjan Prasad, J)

K.C.Jha/Uma/-

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