

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1761 of 2018

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Munna Kumar, Son of Sita Ram Ray, resident of Village- Mohaddipur, P.S.- Chiraiya, Dist.- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
2. The Principal Secretary Department of Excise, Bihar, Patna.
3. The District Magistrate, East Champaran.
4. The S.H.O. Ghorasahan Police Station, Dist.- East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kundan Rathore, Advocate

For the State : Mr. Vikash Kumar-SC11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 30-01-2018

This writ petition has been filed for release of a vehicle (Motorcycle) bearing Registration No. BR-05Q-9168, which has been seized in connection with Ghorasahan P.S. Case No.376 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 and further undertaking to produce the vehicle as and when directed by the District Magistrate-cum-Collector, East Champaran 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	01-02-2018
Transmission Date	

