

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9203 of 2018

=====

Dileep Kumar @ Dileep Kumar Mishra son of Kashi Nath Resident of
Mohalla - A - 660, Sanjay Colony Arthla, Hanuman Mandir, Mohan Nagar,
P.S. - Sahibabad, District - Gaziabad, U.P.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Commissioner, Excise, Govt. of Bihar, Patna.
3. The District Magistrate, Saran at Chapra.
4. The Superintendent of Police, Saran at Chapra.
5. The Officer-in-charge, Mashrakh Police Station, District - Saran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dr. Rajesh Kumar Singh, 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 06-07-2018 This writ petition has been filed for release of a

vehicle (Truck) bearing Registration No. UP14 GT 3055, which

has been seized in connection with Mashrakh P.S. Case No. 290

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, Saran at Chapra 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 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 Bank Guarantee.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./R.S.Sen-

U			
---	--	--	--

