

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12049 of 2018

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1. Md. Mishad Alam, Son of Md. Ibrahim, Resident of Panchayat Abhay Ram Chakla, Ward No.06, Village & P.S.- Janki Nagar, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna.
2. The Excise Commissioner, Bihiyar, Patna.
3. The Collector, Purnea.
4. The Officer In-charge, Janki Nagar, District- Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh

For the Respondent/s : Mr. Kumar Manish -Sc5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 11-07-2018 This writ petition has been filed for release of a vehicle (motor cycle) bearing Registration No BR IIV 5530, Engine No.10EJGJ22992, which has been seized in connection with Special Excise Case No 1517 of 2017 arising out of Janki Nagar P.S. Case No. 112 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, Purnea 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. The valuation of the vehicle, in question shall be done as has been shown in the insurance document produced by the petitioner.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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