

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11854 of 2018

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Dharmendra Ram, Son Gopal Ram, Resident of Mohall- Baitarni Talab, P.S.
Vishnupad, District-Gaya

... .. Petitioner/s

Versus

- 1.The State of Bihar through Principal Secretary, Department of Excise, Govt. of Bihar.
- 2.The Collector-cum-District Magistrate, Gaya, District, Gaya.
- 3.The Superintendent of Police, District-Gaya.
- 4.The Superintendent of Excise, Gaya.
- 5.The Officer-in-Charge, Bodh-Gaya, P.S. District-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha
For the Respondent/s : Mr. Vikash Kumar -SC11

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 26-06-2018 This writ petition has been filed for release of a vehicle (Auto Rickshaw Three Wheeler) bearing Registration No. BR-02AA-5793, which has been seized in connection with Bodh-Gaya P.S. Case No. 323 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, Gaya 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 the bank guarantee.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/R.S.Sen

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