

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15115 of 2018

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Gayatree Devi, wife of Basant Roy, resident of Mohalla- Barmasiya, P.S.-
Katihar, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Principal Secretary, Excise Department, Government of Bihar, Patna.
3. The Director General of Police, Bihar.
4. The District Magistrate, Katihar.
5. The Superintendent of Police, Katihar.
6. The Station House Officer, Barari (Semapar), District- Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghendra Kumar Singh, Advocate
For the Respondent/s : Mr. Vivek Prasad- GP7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 03-08-2018

This writ petition has been filed for release of a vehicle (Bajaj Goods Auto) bearing Registration No. BR 39D-0622, which has been seized in connection with Barari (Semapur) P.S. Case No. 209 of 2017 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, Katihar 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. Valuation of the vehicle shall be done on the basis of valuation in the insurance documents.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.jha/- N.H.

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