

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15970 of 2018

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Rajeev Kumar, Son of Basant Prasad, Resident of FCI Road, New Area,
Sikandarpur, P.S-Town, District – Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Prohibition Excise and Registration Department, Government of Bihar, Patna.
3. The Excise Commissioner, Prohibition Excise & Registration Department, Government of Bihar, Patna.
4. The District Transport Officer, East Champaran at Motihari.
5. The District Magistrate-cum-Collector, East Champaran at Motihari.
6. The Superintendent of Excise, East Champaran at Motihari.
7. The Superintendent of Police, East Champaran at Motihari.
8. The Officer-in-Charge, Chakiya Police Station, East Champaran, Bihar.
9. The Excise Inspector, East Champaran at Motihari, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dipak Kumar, Advocate
For the Respondent/s : Mr. Kumar Manish – SC 5

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

2 10-08-2018 Learned counsel for the petitioner is permitted to make necessary corrections in paragraph 4 of application in course of the day.

This writ petition has been filed for release of a vehicle (Truck) bearing Registration No. BR-06GA-4326, which has been seized in connection with Chakiya P.S. Case No. 139 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 Coordinate Bench of 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, East Champaran at Motihari 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. Valuation of the vehicle in question shall be done as per the valuation shown in the insurance documents.

The vehicle in question be released within one week from the date of furnishing the bank guarantee after ascertaining that the vehicle has not been used in an identical nature of offenses at any earlier point of time.

With the aforesaid, the writ petition stands allowed



and disposed of.

(Dr. Ravi Ranjan, ACJ)

(S. Kumar, J)

K.C.Jha/Uma/-

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