

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2485 of 2018

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Jay Mangal Pandey, Son of Rameshwar Pandey, Resident of Village-Amarpur Marvatiya,
P.O. & P.O.-Ara (Muffassil), District-Bhojpur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Government of Bihar, Patna.
2. The District Magistrate, Bhojpur at Ara.
3. The Superintendent of Police, Bhojpur at Ara.
4. The Deputy Superintendent of Police, Ara, District -Bhojpur.
5. The Superintendent of Excise, Bhojpur at Ara.
6. The Station House Officer, Agion (Garhani) Police Station, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raj Narayan Mishra, 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 JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-02-2018

This writ petition has been filed for release of a vehicle (Tractor along with Trailer [Commercial]) bearing Registration No. BR 03K 9979, Trailer (Commercial) Chasis No. SEW7022016, Engine No. 0000, which has been seized in connection with Agion (Garhani) P.S. Case No. 93/2016 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 confiscation proceedings and aforesaid criminal case, the



aforesaid vehicle in question shall be released to the petitioner, on his furnishing Bank Guarantee to the satisfaction of District Magistrate, Bhojpur at Ara 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./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	22.02.2018
Transmission Date	

