

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7683 of 2018

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Dhiresk Kumar, S/o Kamlesh Kumar, R/o Village Makhra, P.S. Obra, District-
Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Collector-Cum-District-Magistrate, Gaya.
4. The Superintendent of Excise, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate
For the Respondent/s : Mr. Anil Kr. Sinha- GA 1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 19-06-2018 This writ petition has been filed for release of a vehicle (Indigo CS Car) bearing Registration No. DL6CM0408, which has been seized in connection with Barachatti P.S. Case No. 81 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.



Having heard learned Counsel for the parties and on consideration of the facts and circumstances of the case, we find that even though the vehicle in question bearing Regn. No.DL6CM0408 was used for transportation of 100 litre quantity, but the fact remains that the petitioner was kidnapped, the vehicle was taken away and there are prima facie evidence on record to show that after the vehicle was used for commission of the offence, the petitioner was released by the kidnappers.

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 two surety bonds 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 surety bonds.



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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

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