

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3555 of 2018

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Kanti Devi, W/o Late Laxman Chaudhary, Resident of Village- Bakra,
Police Station- Giriyak, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Registration, Excise & Prohibition Department, Government of Bihar, Patna.
2. Principal Secretary, Registration Excise and Prohibition Department, Govt. of Bihar, Patna.
3. The Collector-cum-District Magistrate, Nalanda at Biharsharif.
4. The Superintendent of Police, Nalanda at Biharsharif.
5. The Officer-in-Charge, Chhabilapur, P.S. District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Sharma, Adv.
For the Respondent/s : Mr. Vivek Prasad- GP7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 26-02-2018 Learned counsel for the petitioner is permitted to
make necessary correction in para 1 of the application.

This writ petition has been filed for release of a
vehicle (Bajaj Pulsar Motorcycle) bearing Registration No. BR-
21J-8962, which has been seized in connection with Giriyak P.S.
Case No. 105 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 bank guarantee to the satisfaction of District Magistrate-cum-Collector, Nalanda at Bihar Sharif 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)

(Anil Kumar Upadhyay, J)

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