

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4373 of 2018

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Bhola Kumar Yadav @ Bhola Prasad Yadav, S/o Ram Khelawan Yadav, Resident of Village-Hissar, P.S.-Khirhar, District-Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Superintendent of Excise, Madhubani.
4. The Assistant Sub-Inspector of Harlakhi Police Station Harlakhi, District-Madhubani.
5. The Officer-in-Charge, Harlakhi P.S., District-Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Respondent/s : Mr. KUMAR MANISH- SC5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 12-03-2018

This writ petition has been filed for release of a vehicle (Xylo) bearing Registration No. MH04DW-6756 which has been seized in connection with Harlakhi P.S. Case No.109 of 2017 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 aforesaid confiscation proceedings and criminal case, the aforesaid vehicle in question shall be released to the petitioner, on his furnishing Bank Guarantee to the satisfaction of District Magistrate, Madhubani, 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)

Arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	16.03.2018
Transmission Date	

