

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2205 of 2018

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Yogesh Kumar, Son of Satendra Pal, Resident of Village- Sahanpur
Nawada Dhampur HNO-211 Police Station- Bijnor, District- Bijnor (Uttar
Pradesh). Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of
Registration, Prohibition and Excise, Govt. of Bihar, Patna.
 2. The Collector, Gopalganj.
 3. The Excise Superintendent, Gopalganj. Respondents
- =====

Appearance:

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate.
For the Respondent/s : Mr. Kumar Manish, SC 5.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 13-02-2018 This writ petition has been filed for release of a vehicle

Truck bearing Registration No. HRSS 6927 (Engine No. 4883
CD6H147, Chassis No. 33HC611013821) which has been seized
in connection with Excise Case No. 180/2017 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 the right of the State Government not only to confiscate the vehicle in question but to take all steps as permissible under the law, as an interim measure the vehicle in question is directed to be released to the petitioner, on his furnishing Bank Guarantee for the value of the vehicle in question, to the satisfaction of District Magistrate-cum-Collector, Gopalganj and further to submit two surety bonds to the effect that during the pendency of the matter the petitioner shall produce the vehicle as and when directed by the authority concerned and shall 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 proceedings. Apart from furnishing the Bank Guarantee, the petitioner shall also furnish one local surety to the satisfaction of the District Magistrate, Gopalganj. 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)

Dilip, AR

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