

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1112 of 2018

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Virendra Mahto @ Brendradev @ Virendra Dev Mahto, son of Kalachandra Mahto, resident of P.O. & P.S.- Dandkhora, Sonali Katihar, District- Katihar, Bihar- 855114

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise & Prohibition Department, Government of Bihar, Patna
2. The Principal Secretary, Registration, Excise & Prohibition Department, Government of Bihar, Patna
3. The District Magistrate, District- Katihar
4. The Superintendent of Police, Katihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Parul Prasad, Advocate
For the Respondent/s : Mr. Vivek Prasad- GP-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-01-2018

Learned counsel for the petitioner is permitted to make necessary correction in the petition.

This writ petition has been filed for release of a vehicle (tractor along with trailer) bearing Registration No. BR-



11S-6900, which has been seized in connection with Dandkhor P.S. Case No. 88/2017 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 i.e. Confiscation Case No. 114/2017-18 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, Katihar and further undertaking to produce the vehicle as and when directed by the District Magistrate, Katihar and not to alienate or deal with the vehicle in question during the pendency of the confiscation proceedings and criminal case so as to create a third party interest 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)

(Anil Kumar Upadhyay, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	24.01.2018
Transmission Date	

