

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1629 of 2018

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Sushil Ray @ Shoshil Ray, son of Ram Pragash Ray, resident of Village-Sundarpur Bantolba, P.S.- Sursand, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna. null null
2. The Director General of Police, Bihar, Patna.
3. The Collector-cum- District Magistrate, Sitamarhi.
4. The Deputy Superintendent of Police, Sitamarhi.
5. The Excise Superintendent, Sitamarhi.
6. The Officer-in- Charge, P.S. Sursand, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate
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 JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 30-01-2018

This writ petition has been filed for release of a vehicle (Auto Riksha) (Three Wheeler) bearing Registration No. BR 30 P-6145, which has been seized in connection with Sursand P.S. Case No.220 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-cum-Collector, Sitamarhi and further undertaking to produce the vehicle as and when directed by the District Magistrate-cum-Collector, Sitamarhi 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 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 gurantee.

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

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01-02-2018
Transmission Date	

