

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8137 of 2018

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Umesh Kumar Yadav @ Umesh Yadav, So Rajnath Chaudhary, Resident of
Village- Sri Nagar, P.S.- Town, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise & Prohibition and Registration, Bihar, Patna.
2. The District Magistrate-cum-Collector, Siwan.
3. The Superintendent of Excise, Siwan.
4. The Superintendent of Police, Siwan.
5. The S.H.O./Officer In-charge, Siwan Muffasil P.S., Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Advocate
For the Respondent/s : Mr. Anil Kumar Sinha -GA-1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 01-05-2018 This writ petition has been filed for release of a vehicle (Hero Splendor Ismart Motorcycle) bearing Chassis No. MBLHA12ACGHD08490, Engine No. HA12EMGHD08650, which has been seized in connection with Siwan Muffasil P.S. Case No. 311/2016 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 confiscation proceedings and aforesaid criminal case, the aforesaid vehicle in question shall be released to the petitioner, on his furnishing Bank Guarantee to the satisfaction of District Magistrate, Siwan 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)

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