

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7650 of 2018

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Kamal Kishore @ Kamal Kishor, Son of Sri Uma Kant Jha, Resident of Village- Chatariya, P.S.- Azam Nagar, District- Darbhanga, Presently residing at Road No.14/16, Rajiv Nagar, P.O.- Keshri Nagar, P.S.- Rajiv Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Superintendent of Police, Patna.
4. The S.H.O. of Kankarbagh Police Station, District- Patna.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 24-04-2018 This writ petition has been filed for release of a vehicle (Swift Desire Car) bearing Registration No. BR-01BF 8329, which has been seized in connection with Kankarbagh P.S. Case No. 901/2017, corresponding to Special (Excise) Case No. 8094/2017 due to violation of the Excise Act. The prayer made in the writ petition is to release the vehicle in question pending finalization of Confiscation Case No. 627/2017-18 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, Patna 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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