

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10870 of 2018

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Upendra Kumar, S/o Jay Karan Prasad Yadav, Resident of Village-Chainpur, P.S.- Bhawanipur, Dist.- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary Excise Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Muzaffarpur.
3. The District Magistrate cum Collector, East Champaran at Motihari.
4. The Senior Superintendent of Police, East Champaran at Motihari.
5. S.H.O. Chhauradano Police Station East Champaran Motihari.
6. Investigating Officer of Case No. 251/2017, Chhauradano Police Station East Champaran, Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, 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 20-06-2018 This writ petition has been filed for release of a vehicle (Hero Splendor) bearing Registration No. BR-05R 4309, which has been seized in connection with Chhauradano P.S. Case No.251 of 2017 due to violation of the provisions of the Excise Act.

It is common ground that in various cases, identical in nature, pending finalization of the confiscation/excise/criminal 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/excise proceedings and/or criminal case, the vehicle in question shall be released to the petitioner on the petitioner furnishing Bank Guarantee to the satisfaction of District Magistrate-cum-Collector, East Champaran at Motihari 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 during the pendency of the confiscation/excise proceedings and/or 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 Bank Guarantee.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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