

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12352 of 2018

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1. Baidhnath Mahto @ Baijnath Mahto, S/o Shambhu Mahto, R/o Village-
Pakri Kanth, P.S.- Lalganj, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Department of Excise,
Govt. of Bihar.
2. The District Magistrate-cum-District- Collector, Vaishali.
3. The Superintendent of Police, Vaishali.
4. The Excise Superintendent, Vaishali.
5. The Station House Officer, Sarai Police Station Vaishali.
6. The Investigation Officer, Sarai P.S.- Case No.- 130/2018.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi
For the Respondent/s : Mr. Vivek Prasad -Gp7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 11-07-2018 This writ petition has been filed for release of a vehicle
(i-10 Grand Astha) bearing Registration No.BR-31AD-1213,
which has been seized in connection with Sarai P.S. Case No 130
of 2018 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-District Collector, Vaishali 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. The valuation of the vehicle, in question shall be done as has been shown in the insurance document produced by the petitioner.

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

(Rajendra Menon, CJ)

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(Rajeev Ranjan Prasad, J)

