

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14394 of 2018

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Vivek Kumar Son of Shiv Nandan Sahni Resident of Mohalla- Gangzala Near Panchbati Chauk, Ward No. 17, P.S. Saharsa, District Saharsa. Presently residing at Ward No. 09, Kachahari Road, P.S. + District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar , through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. Tjhe Principal Secretary, Department of Excise, Government of Bihar, Patna.
3. The District Magistrate, Saharsa.
4. The Superintendent of Police, Saharsa.
5. The Inspector, Mahishi Police Station, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Choudhary, Advocate
For the Respondent/s : Mr. Anil Kr. 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 31-07-2018 This writ petition has been filed for release of a vehicle (Scarpio) bearing Registration No. BR-19F-1020, which has been seized in connection with Mahishi P.S. Case No. 39 of 2018 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 the bank guarantee to the satisfaction of District Magistrate-cum-Collector, Saharsa 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. Valuation of the vehicle in question shall be done as per the valuation shown in the insurance documents.

The vehicle in question be released within one week from the date of furnishing the bank guarantee.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/Uma/-

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