

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4294 of 2018

=====

Avinash Pandey @ Awinash Kumar Pandey, son of Brij Nath Pandey, presently residing at village-Khori Kalan, P.S.-Tauru, Tahsil-Tauru, District-Mewat, Haryana, permanent resident of village-Singhai, P.S.-Sahatwar, District-Ballia (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise, Prohibition & Registration Department, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Buxar.
3. The Superintendent of Police, Buxar.
4. The Officer-in-Charge of Simri police Station, District-Buxar.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy

For the Respondent/s : Mr. VIVEK PRASAD-GP7

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 12-03-2018

This writ petition has been filed for release of a vehicle (Truck Open Body) bearing Registration No. HR74-9137 which has been seized in connection with Simri P.S. Case No.236 of 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 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, Buxar, 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)

Arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	16.03.2018
Transmission Date	

