

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6098 of 2018

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1. Harilal Yadav Son of late Dwarika Prasad Yadav R/o Vill- Rampur,
Pagara Ward No. 2, P.S. Dalsingsarai, Distt. Samastipur(Bihar).

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The District Magistrate Cum Collector, Samastipur.
3. The Excise Superintendent, Distt. Samastipur.
4. The Station House Officer Cum- Officer-in- Charge- Vibhutipur, Police Station in the district of Samastipur.
5. Rajesh Kumar Jaipuriyar Son of late Prabhat Kr. Jaipuriyar Resident of Village- Sahpur Pagada, P.S. Dalsingsarai, Distt. Samastipur.
6. Anil Kumar Issar Son of Mahendra Prasad Issar Resident of Village- Mahishi, P.S. Dalsingsarai, District. Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar

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)

3 18-05-2018 This writ petition has been filed for release of a vehicle (Mahindra Bolero SLE) bearing Registration No.BR-01PF-3075, Chechis No.MA1PL2GPKE5860289 which has been seized in connection with Bibhutipur P.S. Case No.179 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.

From the counter filed by respondent No.5 to 6, it is seen that even



though there were agreement for transfer of vehicle but the vehicle was not transferred in accordance with law and the ownership registered in the name of the person to whom the vehicle was transferred and as such on the date when the accident took place the vehicle as per the provision was registered in the name of present petitioner.

Keeping in view the aforesaid, we direct that on the petitioner filing certified copy of this order and furnishing bank guarantee and also satisfying the Court by submitting relevant document with regard to ownership of the vehicle in question, the aforesaid vehicle, in question, shall be released to the petitioner, on his furnishing Bank Guarantee to the satisfaction of District Magistrate, Samastipur 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.

Sanjeev/-

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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