

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14721 of 2018

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Md. Allauddin, S/o- Md. Babu Jan, resident of Village- Chhajan Harishankar,
P.S.- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Excise Commissioner, Government of Bihar, Patna.
3. The District Magistrate, Vaishali at Hazipur.
4. The Superintendent of Police, Vaishali at Hazipur.
5. The Sub- Divisional Police Officer, Sadar, Vaishali at Hazipur.
6. The Excise Superintendent, Vaishali at Hazipur.
7. The Station Head Officer, P.S.- Sadar, Vaishali at Hazipur.
8. The Investigation Officer, Sadar (Hazipur) P.S. Case No. 220/16.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate
For the Respondent/s : Mr. Kumar Manish – SC 5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 01-08-2018

This writ petition has been filed for release of a vehicle (Bolero) bearing Registration No. BR-06PC-2930, which has been seized in connection with Sadar (Hazipur) Case No. 220 of 2016 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, Vaishali at Hazipur 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 the bank guarantee.

Valuation of the vehicle shall be assessed as per the valuation of the vehicle shown in the insurance papers.

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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