

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7780 of 2018

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1. Ram Vilas S/o Khusi Ram, HN-229, Chetram inter College Sadar Pur
Noida, P.S. Noida Sector 39, Dist.Gautambudh Nagar, (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The District Magistrate Cum Collector, Dist. Gopalganj
3. The Superintendent of Police, Dist. Gopalganj.
4. The Excise Superintendent, Gopalganj,
5. The Officer in Charge, Police Station Kuchaikote, Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda

For the Respondent/s : Mr. Vikash Kumar -Sc11

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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
(Truck) bearing Registration No.UP-16AT-1820, Chassis
No.MAT45705487D15624, which has been seized in connection
with Kuchaikote P.S. Case No.204 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-cum-Collector, Gopalganj and two local sureties belonging to the District concerned with 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)

(Rajeev Ranjan Prasad, J)

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