

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11871 of 2018

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Krishna Kumar, Son of Dilip Prasad @ Dilip Sao, Resident of Mohalla-Asalgarhi Ward No. 34, P.S.- Biharsharif, Distt.- Nalanda and at present residing at Mohalla- Manpur Kumhar Toli Buniyadganj, P.S. Muffasil, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary Govt. of Bihar, Patna.
2. The Principal Secretary, Excise Department, Bihar, Patna.
3. The District Magistrate-cum-Collector, Gaya.
4. The Sr. Superintendent of Police Gaya.
5. The Excise Superintendent, Gaya.
6. The Officer- In-Charge P.S. Sherghati (Dobhi), Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate
For the Respondent/s : Mr. Anil Kumar 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 03-08-2018 Office objection is ignored.

This writ petition has been filed for release of a vehicle (PIAGGIO Tempo) bearing Registration No. BR 02W-5619, which has been seized in connection with Sherghati (Dobhi) P.S. Case No.553 of 2017 due to violation of the Bihar Prohibition and Excise Act, 2016.

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 confiscation proceedings and criminal case, the aforesaid vehicle in question shall be released to the petitioner on his furnishing two sureties to the satisfaction of District Magistrate, Gaya, within a period of one week from the date of his furnishing the sureties 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 proceedings and criminal case so as to cause adverse effect or prejudice to the State Government.

The valuation of the vehicle in question shall be done as per the valuation shown in the insurance document.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Sunil/-s.shukla

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