

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.640 of 2018

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Nand Kishore Prasad Yadav @ Nand Kishore Yadav, Son of Hiranman Yadav,
Resident of Village- Thekahi, Boorsa Pipra, P.S.- Fatehpur, District- Gaya.
... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Excise, New Secretariat,
Patna, Bihar.
2. The Collector, Gaya.
3. The S.P., Gaya.
4. The ASI, (Barachatti) Mohanpur P.S., District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate
For the Respondent/s : Mr. VIKASH KUMAR- SC11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-02-2018

This writ petition has been filed for release of a vehicle (Mahindra Pick Van) bearing Registration No. BR 2M-1772, which has been seized in connection with Barachatti, Mohanpur P.S. Case No. 529/2017 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 confiscation proceedings and aforesaid criminal case, only the aforesaid vehicle in question shall be released to the petitioner, on his furnishing Bank Guarantee to the satisfaction of District Magistrate, Gaya and further undertaking to produce the vehicle as and when directed by the District Magistrate, Gaya 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)

(Anil Kumar Upadhyay, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	03.02.2018
Transmission Date	

