

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15672 of 2018

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Virendra Yadav, S/O Bailun Yadav, resident of village- Dumari Bodhgaya,
P.S.- Cherki, District- Gaya

... .. Petitioner/s

Versus

- 1.The State of Bihar through the Principal Secretary Registration Excise and Prohibition Department of, Bihar, Patna.
- 2.The District Magistrate, Gaya.
- 3.The Superintendent of Excise, Gaya
- 4.The S.H.O, of Shegahti, P.S. Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinod 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 07-08-2018 This writ petition has been filed for release of a vehicle (800 Car) bearing Registration No. JH 05D 0451, which has been seized in connection with Sherghati P.S. Case No. 278 of 2018 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 and one local surety to the satisfaction of District Magistrate, Gaya 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 and the local surety. Valuation of the vehicle in question shall be done as per the valuation shown in the insurance documents.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./R.S.Sen-

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