

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.602 of 2015

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Anil Kumar Gupta son of Sri Manik Chand Gupta residence of 140
Abhiyanta Nagar Bankers Colony P.S. Rupaspur District Patna

.... Petitioner/s

Versus

1. The State of Bihar through The Director General of Police, Bihar, Patna.
2. The Superintendent of Police Sasaram.
3. Officer-in-charge Nokha Police Station under District Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

2 22-07-2015 Heard learned counsel for the petitioner and learned
A.C. to G.P. 4 for the State.

The present writ application has been filed for a
direction to the respondents to release the truck bearing
registration number MP-09 HF-2154 which has been seized by the
authorities on 01.03.2015 by a police party led by the respondent
no. 3 at Nokha in the district of Sasaram.

Learned counsel for the petitioner submits that he is



the owner of the truck in question and though the same was carrying materials for which there was valid paper but it has been seized by the Officer-in-Charge, Nokha police station and till date no proceeding has been initiated on paper either before the competent authority or the court or even by the police. It is submitted that the truck is being kept in the premises of Nokha police station where it is subjected to the vagaries of nature and the truck is likely to be rendered useless which is neither in public nor private interest. Learned counsel relies on a decision of the Hon'ble Supreme Court in the case of **Sunderbhai Ambalal Desai v. State of Gujarat** reported in (2002) 10 SCC 283 in which the Hon'ble Supreme Court has also taken the view that no useful purpose is served by keeping the vehicles seized and it is in the interest of parties that the same is released to the rightful owner with an appropriate undertaking/surety.

Learned counsel for the State does not object if the vehicle is released provided sufficient surety and safeguards are provided by the petitioner and he proves that he is the *bona fide* owner of the vehicle.

In view of the aforesaid, let the truck bearing registration number MP-09 HF-2154, which is lying in the premises of Nokha police station in the district of Sasaram, be

released to the petitioner by the authority concerned upon being satisfied with regard to the ownership of the vehicle. The authority shall also take appropriate security/surety/bond/guarantee from the petitioner before such release. The petitioner shall also give an undertaking to keep the vehicle in good running condition and shall not transfer the ownership to any third person and shall further undertake that the vehicle shall be brought before the authority concerned as and when required. Let the same be done within 48 hours of communication of the order to the authority concerned.

The application stands disposed off in the aforementioned terms.

The order may be communicated to the concerned authority through Fax also at the cost of the petitioner.

(Ahsanuddin Amanullah, J)

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