

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45375 of 2014

Arising Out of PS.Case No. -110 Year- 2013 Thana -ITADHI District- BUXAR

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1. Manish Kumar Rai S/o Late Siya Ram Rai R/o village- Sukhdehara, P.S.-
Bhawarcol, District- Ghazipur (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Abhay Kumar No. 1 (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

2 22-05-2015 The petitioner seeks release of Bolero vehicle
bearing no.- UP61R-4933 in favour of the petitioner seized in
connection with Itarhi P.S. Case No. 110 of 2013.

It has been submitted that the background fact of
the case is that the some accused persons boarded on the
aforesaid vehicle, from whose possession ganja was recovered.

The petitioner, who happens to be a resident of
Uttar Pradesh having come to know that his vehicle was seized,
filed an application for release on ground that his vehicle had
earlier been stolen by unknown miscreants, on account of
which he had instituted Gahmar P.S. Case No. 65 of 2013 on
28.01.2013, where after the present case was instituted on
recovery of the vehicle on 08.09.2013. Evidently the petitioner
was not involved in the smuggling. The police report was also in
favour of petitioner, despite which the learned court below did

not release the vehicle.

Having considered the aforesaid facts and that the article is of punishable nature which should not be detained, the court below is directed to release the vehicle after due verification of the documents in favour of the Petitioner.

The Petitioner is required to give undertaking before the learned court below that he shall produce the vehicle as and when required, if a confiscation proceeding is initiated and shall also not sell the vehicle during the pendency of this case.

The application stands disposed of with the aforesaid observations.

(Anjana Prakash, J)

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