

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.26 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- BHAGALPUR

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Tapan Kumar, Son of Shri Tarkeshwar Parasad, resident of Mohalla-Khajanchi Hat,
P.S.-K. Hat, District-Purnia.

.... Petitioner

Versus

1. The State of Bihar
2. M/s. Tata Motors Finance Ltd. through its Managing Director, Road No.-28,
Opposite ITI, Near Maruti Service Centre, Wagle Industrial Estate, Thane-400604
(Maharashtra)

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajeeva Roy, Advocate

For the Respondent/s : Mr. Mritunjay Kumar Jha, AC to SC-3

For the Respondent no.2 Mr. Amaresh Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 23-02-2015

Heard learned counsel for the petitioner, learned counsel
for the State and learned counsel for the Tata Motors Finance Ltd.

The matter relates to release of a truck bearing
registration no. BR-11F 9711 lying in custody of Barari (Zero Mile)
Police Station.

A supplementary counter affidavit has been filed on
behalf of the State duly sworn by one Kaleshwar Paswan, Deputy

Superintendent of Police (H.Q.), Bhagalpur in which it has been stated that the respondents are ready to release the vehicle in question forthwith on appearance of the petitioner for receiving the same.

Learned counsel for the petitioner has submitted that due to illegal seizure of the vehicle, the petitioner has suffered a huge loss and as such he should be compensated for the illegal detention of the vehicle. I find that no such relief has been claimed in the writ petition.

Regard being had to the facts and circumstances of the case, the application is disposed of with a direction that in case the petitioner approaches the officer-in-charge, Barari (zero mile) police station, he shall release the vehicle forthwith in his favour. So far as the claim for compensation, etc. is concerned, it would be open to the petitioner to seek such relief by filing an appropriate application in this regard before an appropriate Court.

(Ashwani Kumar Singh, J.)

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