

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2278 of 2017

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

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1. Amitabh Ranjan @ Pappu Sharma S/o Late Surendra Sahrama, R/o Village-Sendhwa, P.S.- Paras Bigha, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar Through The Home Secretary Government of Bihar, Patna.
2. The Superintendent of Police, Jehanabad.
3. The District Transport Officer, Jehanabad.
4. Sub Divisional Police Officer, Jehanabad.
5. Officer in Charge, P.S.- Paras Bigha, Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Respondent/s : Mr. Sheo Shankar Prasad, SC-8

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 20-12-2017

Heard learned counsel for the petitioner and the State.

2. This writ application has been preferred for quashing the order dated 29.08.2017 passed in Parasbigha P.S. Case No.3 of 2017 by Mr. Pranav Kumar Bharti, learned Judicial Magistrate, 1st Class, Jehanabad, whereby the prayer of the petitioner for release of the vehicle bearing registration No.BHR-1AB/1995, Engine No.2.2LDICOR09BXYJO3989, was refused on the ground that the vehicle was running along with wrong registration number since long causing revenue loss to the State exchequer.

3. It appears that the vehicle was seized on suspicion that



it was running with wrong registration number. The petitioner produced a copy of sale certificate as well as temporary registration number by filing supplementary affidavit and submits that subsequently the petitioner was sent to jail in connection with some other case. Therefore, the vehicle could not be registered.

4. In the matter of provisional release of the vehicle, the Hon'ble Apex Court in **Sunderbhai Ambalal Desai V. State of Gujarat** reported in **(2002) 10 SCC 283** observed in para-17 of the judgment as follows:

“17. In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles.”

5. Submission of the learned counsel for the petitioner is that against the refusal of the prayer of the temporary release of the seized vehicle, the petitioner has got no efficacious remedy than to approach this Court under writ jurisdiction.

6. I find substance in the submission of the learned counsel for the petitioner, the reason assigned for release of the vehicle is not sustainable in the eye of law. Hence, the impugned



order is set aside. The vehicle be released in favour of the petitioner on production of the relevant papers and on execution of surety bond of Rs.10,00,000/- (Ten lacs), not in the form of cash/Bank Guarantee, along with two sureties of the like amount to the satisfaction of the learned Court-below concerned where the case is pending, with condition that the petitioner would not dispose of the said vehicle without permission of the Court concerned and shall produce as and when required by the Court.

7. With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.12.2017
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