

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18122 of 2017**

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Yogendra Singh, aged about 31 years, son of Ram Singh, resident of house number 26, Village- Jagaiyapur, Tehsil- Sikandra, District- Kanpur.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Arwal.
2. The Superintendent of Police, Arwal.
3. Officer in Charge Mehendiya, Arwal.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mrs. Archana Sinha @ Archana Shahi  
For the Respondent/s : Mr. Lalit Kishore -AG

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

ORAL ORDER

**(Per: HONOURABLE THE CHIEF JUSTICE)**

3      12-12-2017      Having heard learned counsel for the parties, we find that the truck in question bearing registration No. MP-41-GA 1622 was loaded with Maxo/Mortin Coil which is said to have met with an accident involving another vehicle for which an FIR is said to have been lodged and the truck was seized.

Even though learned counsel for the petitioner argued that the FIR has been filed malafidely, after the petitioner filed the present writ petition, we grant liberty to the petitioner to challenge the FIR by initiating proceedings in accordance with law. For the present, the truck which is involved in an accident, it is not appropriate for this Court to direct release of the truck under Article 226 of the Constitution. The petitioner would have



liberty to take such recourse as may be permissible in law.

However, as the goods loaded in the truck being Maxo/Mortin Coil is not found to be used for the purpose of committing any other offence, we direct the entire goods loaded on the truck in question bearing registration No. MP-41-GA 1622 to be released to the petitioner on furnishing sureties to the satisfaction of the Station House Officer, In-charge of the Police Station concerned within a period of one week from the date of furnishing the sureties.

With the aforesaid the petition stands disposed of.

**(Rajendra Menon, CJ)**

spandey/-

**( Anil Kumar Upadhyay, J)**

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