

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2084 of 2017

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

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1. Akshay Kumar, S/o Late Rajendra Kumar, Resident of Barki Delha, Near Gyan Ganga School, P.S.- Delha, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar Through The Director General of Police, Bihar, Patna.
2. The Principal Secretary, Excise Deptt., Bihar, Patna.
3. The Superintendent of Police, Patna.
4. The Officer in charge of Sahpur Police Station, Danapur, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsel for the petitioner and the State.

2. This writ application has been preferred for quashing the order dated 26.08.2017 passed in Shahpur P.S. Case No.76 of 2017 whereby the learned Additional Chief Judicial Magistrate-I, Danapur, has refused to release the vehicle bearing registration No.BR02X 4588 in favour of the petitioner on the ground that the said vehicle was found being used for carrying prohibited excise items and seized in connection with Aurangabad Muffasil P.S. Case No.62 of 2017.

3. Learned counsel for the petitioner submits that the



petitioner is owner of the said vehicle. Theft of the vehicle was committed and for that the petitioner had lodged the present Shahpur P.S. Case No.76 of 2017 on 18.04.2017 against unknown. The person in possession of the aforesaid stolen vehicle might have committed the offence under the Excise Act.

4. The petitioner is at liberty to get the vehicle released in connection with Aurangabad (Muffasil) P.S. Case No.62 of 2017 first, and thereafter may move the competent appellate or revisional authority against the impugned order.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.11.2017
Transmission Date	25.11.2017

