

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1365 of 2018

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Satyendra Kumar, Son of- Sri Umesh Prasad, resident of Mohalla-
Horilganj, P.S.- Jehanabad, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate-cum- Collector, Gaya.
3. The Senior Superintendent of Police, Gaya.
4. The Station House Officer, Atri Police Station, District- Gaya.
5. The Investigation Officer, Atri Police Station Case No. 80 of 2018,
District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal

For the Respondent/s : Mr. Vivek Prasad

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 30-05-2018

The present writ petition has been filed for release of
Mahindra XYLO Jeep bearing Engine No. BVC4K61335, Chasis
No. MA1YA2BVNC2K49903, registration No. BR25P 6923
which has been seized in connection with Atri P.S. Case No. 80 of
2018, registered for the offences under Section 414, 467, 468, 471
and 34 of the Indian Penal Code and 30(a) of the Bihar Prohibition
and Excise Act, 2016.

The learned counsel for the petitioner has submitted
that the said vehicle of the petitioner had been stolen for which the
petitioner had lodged Nim Chak Bathani P.S. Case No. 21 of 2018
dated 26.2.2018 and thereafter the said vehicle was caught while
transporting illicit liquor on 25.3.2018. The learned counsel for the
petitioner further submits that the learned Special Judge, Excise,
Gaya, has rejected the prayer of the petitioner for release of the



said vehicle despite the petitioner holding valid documents of ownership of the said vehicle as also despite the fact that the said vehicle was admittedly stolen prior to the said seizure of the illicit liquor.

Having regard to the facts and circumstances of the case as also after hearing the learned counsel for the parties, it is agreed that the value of the vehicle be fixed at Rs. 4 lacs for the purposes of furnishing Bank guarantee for release of the said vehicle.

In view of the aforesaid, the writ petition is disposed of with a direction to the petitioner to approach the District Magistrate, Gaya along with the copy of this order and the relevant documents in proof of the ownership of the said vehicle along with a Bank guarantee of a sum of Rs. 4 lacs, whereafter the District Magistrate, Gaya shall satisfy himself about the veracity of the said documents and release the seized vehicle of the petitioner subject to furnishing of one local surety to his satisfaction.

(Mohit Kumar Shah, J)

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