

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4195 of 2018

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Jitendra Singh, son of Late Bir Bahadur Singh, R/o- Village- Belkunda, P.S.-
Jalalpur, District- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Excise Saran Division, Saran at Chapra
3. The District Magistrate, Saran
4. The Superintendent of Police, Saran at Chapra

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the Respondent/s : Mr. Kumar Manish- SC5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-03-2018

Seeking release of a motorcycle bearing
Registration No. BR04U-6391, Engine No. HA10EVGN11007,
Chassis No. MBLHA10BSGHEM-11650, which is said to have
been recovered in pursuance to a criminal case registered vide
F.I.R. No. 129 of 2017 by Baniyapur Police Station, this



application has been filed for release of the vehicle in question.

Even though in the seizure memo available on record, there is no mention about the motorcycle being seized but in the F.I.R. seizure of the motorcycle has been indicated. That apart, no notice to the petitioner with regard to the confiscation proceedings being initiated with regard to the motorcycle has been issued.

However, petitioner makes a positive assertion in the writ petition that his motorcycle has been seized and is in custody with the respondent authorities.

Taking note of the aforesaid statement made by the petitioner and the stipulation contained in the F.I.R., we direct that the motorcycle in question mentioned hereinabove be released to the petitioner in connection with the aforesaid case on the petitioner furnishing Bank Guarantee to the satisfaction of District Magistrate, Saran and further undertaking to produce the vehicle as and when directed by the authority concerned and not to alienate or deal with the vehicle in question or create a third party interest during the pendency of the confiscation proceedings and criminal case or prejudice the right of the State in confiscation proceeding. The aforesaid vehicle shall be released within one week from the date of furnishing of the



Bank Guarantee.

However, in case motorcycle has not been seized and it is not in possession of the State authorities, it shall be incumbent upon them to record a finding to that regard after hearing the petitioner and pass appropriate orders.

With the aforesaid, the writ petition stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	17.03.2018
Transmission Date	

