

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1698 of 2018

Arising Out of PS. Case No.- Year- Thana- District- Samastipur

Deepak Kumar Ray S/o Baidhyanath Ray, R/o Vill. & P.O.- Morwa, P.S.-
Tajpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary Department of Home (Police), Government of Bihar, Patna.
4. The Inspector General of Police, Government of Bihar, Patna.
5. The District Magistrate, Begusarai.
6. The Superintendent of Police, Begusarai.
7. The Sub Divisional Police Officer, Teghra, District- Begusarai.
8. The Station House Officer/Thanadhyaksh, Teghra P.S., Teghra, District- Begusarai.
9. The District Magistrate Samastipur.
10. The Superintendent of Police, Samastipur.
11. The Station House Office/Thanadhyaksh, Tajpur P.S., Tajpur, District- Samastipur.
12. The Principal Secretary, Department of Transport, Government of Bihar, Patna.
13. The District Magistrate, Samastipur, District- Samastipur.
14. The District Transport Officer, Samastipur, District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Pandey No-5 Advocate
For the Respondent/s	:	Mr. P.K. Verma AAG-3 Mr. S. K. Jha AC to A.P.P. - 3

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 28-08-2018 The Scorpio vehicle of the petitioner, bearing
Registration No. BR 33F 2002, was seized by
Respondent No. 8 and kept in the police station
premises.

The present writ petitioner seeks release of the



aforesaid vehicle.

The counter affidavit discloses that the vehicle was found in an abandoned condition and, therefore, was brought to the police station. Later, a communication was made with the transport department for ascertaining the ownership of the said vehicle.

The aforesaid statement made in the counter affidavit has been doubted / disputed by the learned counsel for the petitioner. He has submitted that there was a breakdown of the vehicle and before the petitioner and the driver could come to get the vehicle repaired and take it back to the destination, the Respondent No. 8 directed for the same to be towed to the police station. The aforesaid direction of the Respondent No. 8 was followed by the petitioner but the vehicle was not released thereafter and a plea has been taken by Respondent No. 8 that the report from the transport office of the concerned district has not yet come.

The reason for seeking such clarification from the concerned department was because the vehicle had been sold on one occasion. The name of the second owner which found mentioned in the registration certificate was not there in other documents. This raised a suspicion in the mind of Respondent No. 8.

From the documents contained in Annexure -



6, it clearly appears that the vehicle came in possession of the petitioner after it was sold by the first party.

Even if there was some doubt with respect to the possession or ownership of the vehicle in question, the vehicle ought to have been released provisionally subject to the confirmation by the transport department of the ownership of the vehicle. There was no occasion for the Respondent No. 8 to have kept back the vehicle in the police station premises and thereby depriving the petitioner from using the same.

Under the aforesaid facts and circumstances, the Respondent No. 8 is directed to release the vehicle forthwith after being satisfied that the documents offered by the petitioner are not fake and ingenuine and the petitioner is the owner of the vehicle.

In case there is any doubt with regard to ownership or possession, the vehicle shall be provisionally released in favour of the petitioner.

In that circumstances, the petitioner shall furnish his telephone number and his permanent address with the Respondent No. 8. If vehicle is not found to be of the petitioner, the petitioner would be required to bring the same in the police station and necessary action will be initiated by the Respondent No. 8 against the petitioner.



At the time of releasing the vehicle, the Respondent No. 8 shall also obtain from the petitioner a title document of the valuation of Rs. 1,00,000 /- (one lakh) as surety.

The petition is disposed off in terms of what has been stated above.

(Ashutosh Kumar, J)

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