

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.187 of 2018

Arising out of Khaira P.S. Case No.300/17, District-Jamui

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Ranjay Yadav, son of Bhaso Yadav, R/o Bishanpur, P.S.-Khaira, District-Jamui

.... Petitioner/s

Versus

1. The State of Bihar
2. The Superintendent of Police, Jamui
3. The D.T.O. Jamui
4. The S.H.O., Khaira.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Respondent/s : Mr. Manish Kumar (GP 4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 29-03-2018

It appears from the averments made in the writ application that the petitioner has moved the court of learned C.J.M., Jamui seeking release of the vehicle in question which has been seized in connection with Khaira P.S. Case No.300 of 2017.

Learned counsel for the petitioner submits that the application filed before the learned C.J.M., Jamui is not being disposed of because the MVI report, which was sought for, has not been submitted and the S.H.O., Khaira has raised an objection in the matter of release of vehicle only on the ground that the MVI report is not available. Learned counsel submits that the vehicle in question is lying in the premises of police station and the same is only source of livelihood of the petitioner, the vehicle is also



likely to get damaged over the period if the same is not released within a reasonable time. He also submits that the petitioner is ready and willing to abide by the terms and conditions which may be imposed by the learned C.J.M., Jamui for purpose of release.

Learned counsel for the State is present.

In the facts and circumstances, stated above, the learned C.J.M., Jamui is directed to take up the matter for release of the vehicle in question and in case MVI report is required for such release of vehicle, the same may be obtained within a period of seven days from today, failing which it will be assumed that the MVI has nothing adverse to submit against the petitioner in the matter of release of the vehicle. This Court is of the opinion that the application for release of vehicle cannot be kept pending for months and months together on the pretext of obtaining the report from the MVI. As has been submitted by learned counsel for the petitioner that the vehicle is lying in the premises of police station and the same is only source of livelihood of the petitioner there is some urgency which is required to be shown while entertaining such application.

Learned C.J.M., Jamui is, therefore, directed to pass an appropriate order on the application of the petitioner keeping in mind the judicial pronouncement of the Hon'ble Apex Court in the



matters of release particularly in the case of **Sunderbhai Ambalal Desai Vs. State of Gujarat** reported in **(2002) 10 SCC 283**. The application of the petitioner must be disposed of within two weeks from the date of receipt/production of a copy of this order.

The writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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