

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1352 of 2018

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Niraj Kumar Kumar son of Upendra Ray, resident of Mohalla Yadav Nagar
Bhagwanpur, Police Station- Sadar Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary Excise Department,
Government of Bihar.
2. The District Magistrate, Muzaffarpur.
3. The Senior Superintendent of Police, Muzaffarpur.
4. The Dy. S.P. Sadar, Muzaffarpur.
5. Office In charge of Muzaffarpur Sadar Police Station.
6. Investigating Officer of Muzaffarpur Sadar P.S. Case No. 421 if 2017,
P.S. Muzaffarpur Sadar, District Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Rajpati

For the Respondent/s : Mr. Anil Kumar Sinha (Ga1)

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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
the vehicle bearing TVS APACHE RDX 160 BSIV having
registration no. BR06BE-2178 Engine No, BE4Dh2031012
Chassis No. MD634BE49H2D30790 which was seized in
connection with Muzaffarpur Sadar Police Station Case No. 421
of 2017, registered under sections 143, 144, 158,290, 414, 272,
273 I.P.C and 25 (1-b)A, 25-1A, 25-1AA, 25-1AAA, 26, 26(ii),
35, 27 Arms Act and 30(a) of Excise Prohibition Act 2016.

This Court is of the opinion that since small quantity
of illicit liquor i.e. 16.2 liters has been seized, the aforesaid seized
vehicle can be released upon furnishing sufficient local sureties.

Having regard to the facts and circumstances of the



case, it is directed that the petitioner shall produce all the valid documents of ownership and other relevant documents before the District Magistrate, Muzaffarpur, along with a copy of the present order, whereafter, the District Magistrate, Muzaffarpur, shall verify the said documents and after satisfying himself about the genuineness of the petitioner's ownership of the said vehicle, shall release the said vehicle subject to the petitioner furnishing one local surety to the satisfaction of the District Magistrate, Muzaffarpur subject to the condition that the petitioner shall produce the motorcycle as and when directed by the D.M.

The writ petition is disposed of with the aforesaid observation.

(Mohit Kumar Shah, J)

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