

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.104 of 2019

Arising Out of PS. Case No.-292 Year-2018 Thana- ALOULI District- Khagaria

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Md. Ramjan @ Ramjani Shah son of Yunush Sah @ Inus Sah, Resident of
Village- Raun, Miya Toli, P.S.- Allauli, District-Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna
2. The Collector-cum-District Magistrate, Khagaria
3. The Superintendent of Police, Khagaria
4. The Station House Officer, Alauli Police Station, District- Khagaria

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Praveen Kumar Agrawal, Advocate
For the Respondent/s	:	Mr.Vikash Kumar, SC-11

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 21-01-2019

By way of the instant writ petition, the petitioner has prayed for issuance of a direction to the respondents concerned to release motorcycle bearing no. BR 3AC 7696 in favour of the petitioner, which has been seized in connection with Alauli P.S. Case No. 292 of 2018 registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

2. Learned counsel for the petitioner submitted that till date no confiscation proceeding has been initiated for confiscating the vehicle in question. He contended that the petitioner is the registered owner of the vehicle and is entitled for release of the same.



3. On query, as to whether any application for release of the vehicle has been filed before the court of Special Judge, he replied that no such application has been filed to the best of his knowledge.

4. In view of the submissions made above, since the petitioner has an equally efficacious statutory remedy under Section 451 of the Code of Criminal Procedure for release of his vehicle during pendency of the trial, I am not inclined to entertain this writ petition. It is dismissed accordingly.

(Ashwani Kumar Singh, J)

Md. S/SKSuman.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.01.2019
Transmission Date	22.01.2019

