

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17545 of 2019

Purushottam Kumar, aged about 31 years, Male, S/o Ajay Singh @ Ajay Kumar Arya, Resident of Village Pachhatti, P.S. Bodh Gaya, Dist.Gaya

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Excise Department, Govt. of Bihar, Patna
2. The Commissioner, Excise Department, Bihar, Patna
3. The Superintendent of Excise, Gaya
4. The Collector-cum-District Magistrate, Gaya
5. The Superintendent of Police, Gaya
6. The S.H.O., Bodh Gaya Police Station, Dist.Gaya

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Adv.
For the Respondent/s : Mr.Vikash Kumar (Sc11)

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAKESH KUMAR)

2 11-09-2019 Heard Sri Sudhir Kumar Sinha, learned counsel for the petitioner and learned AC to Standing Counsel no.11.

The petitioner, who claims to be registered owner of Hero Honda Glamour motorcycle, bearing Registration No.BR-02M-8065, having Chassis No. MBLJA06EUBGD05587, Engine no. JA06EFBGD05870, has invoked writ jurisdiction of this Court under Article 226 of the Constitution of India, with a prayer to direct the respondents to release his vehicle.

However, on going through the record, it is evident



that there is no seizure list regarding the vehicle in question. The seizure list, which has been enclosed with the F.I.R., makes it clear that only a mobile was seized. On going through the F.I.R. it is evident that the petitioner, after being arrested along with motorcycle, was produced in the police station. In such situation, it would not be appropriate for this Court to pass any positive order.

However, the writ petition stands disposed of granting liberty to the petitioner to approach the concerned police station and if the petitioner approaches the concerned police station and file application for release of his motorcycle, if no seizure has been made properly in respect of the vehicle in question, the concerned officer in charge of Police Station shall release the motorcycle in favour of the petitioner on appropriate security without insisting either for bank guarantee or cash.

(Rakesh Kumar, J.)

(Anjani Kumar Sharan, J.)

nawalkrs/-

U			
---	--	--	--

