

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49406 of 2019

Arising Out of PS. Case No.-453 Year-2017 Thana- GHORASAHAN District- East
Champaran

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Shyam Mohan Jha S/o Krishna Mohan Jha Resident of Village- Dhamaura,
P.S.- Sathe, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Bishweshwar Ram

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 31-01-2020 Heard learned counsel for the petitioner and learned
counsel appearing for the State.

This application has been filed on behalf of the
petitioner for quashing of order dated 11.04.2019 passed by
Special Judge-Excise, Motihari in Ghorasahan P.S.Case No.453
of 2017 whereby and whereunder the learned Court below has
refused to release the Motorcycle bearing Registration No.BR-
22L-6575.

Learned counsel for the petitioner submits that the
learned court below has rejected the petition filed by the
petitioner for release of the motorcycle bearing registration
No.BR-22L-6575 against the settled principles of law and the
vehicle, in question, has been languishing in the premises of



police station though there is clear cut direction of this Court that under such circumstances, the vehicle, in question, should not be permitted to languish but the court below has rejected the application arbitrarily for no apparent reason.

Learned counsel for the petitioner submits that he is willing to furnish necessary sureties, for which the order from this Court would be necessary so that the vehicle may be released in his favour.

Having heard learned counsel for the petitioner and keeping in view of the above facts, the impugned order dated 11.04.2019 in connection with Ghorasahan P.S.Case No.453 of 2017 stands quashed. The vehicle, in question, bearing registration No.BR-22L-6575. is directed to be released in favour of the above named petitioner with following conditions:-

(1) The petitioner shall file documents to the satisfaction of the learned Additional Chief Judicial Magistrate, Motihari that he is the registered owner of the vehicle in question.

(2) He shall execute a bond of rupees ten thousand to the satisfaction of the learned Magistrate.

(3) He shall not alienate the motorcycle in question or



alter its nature.

(4) He shall produce the motorcycle before the court concerned as and when directed by the Court.

The application, thus, stands disposed off.

(Anjana Mishra, J)

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