

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21928 of 2019

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Brij Kishor Prasad @ Birij Keshor Prasad, Son of Late Dina Nath Sah
Resident of Village- Ward No-1 Saryan, Police Office- Gopalganj Police
Station- Gopalganj, District- Gopalganj at Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department
Government of Bihar, Patna.
2. The District Magistrate, Siwan, District- Siwan, Bihar.
3. The District Superintendent of Police, Siwan at Siwan Bihar.
4. The Officer in-charge of Basantpur Police Station Siwan, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sinha
For the Respondent/s : Mr.Kumar Manish (Sc5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

**(The proceedings of the Court are being conducted through
Video Conferencing and the Advocates joined the proceedings
through Video Conferencing from their residence.)**

Date : 03-07-2020

Heard learned counsel for the petitioner and learned
counsel for the respondents.

This writ petition has been filed by the petitioner for
release of Bolero Pickup vehicle (carriage Goods Vehicle) white
colour bearing registration No.BR-28L-7686, Engine No.
GHG1D26297, Chassis No.MA1Z N2GHKG1D37968 which
has been seized in connection with Basantpur P.S. Case No.25



of 2018 dated 30.1.2018 for the offence instituted under Sections 30(a)/38/41(1) of Bihar Prohibition & Excise Act, 2016 and Sections 272, 273, 308, 420, 120B/34 of IPC. Allegation is recovery of huge quantity of illicit liquor from the seized vehicle. Petitioner is a registered owner of said vehicle.

The second FIR being Khaira P.S. Case No.204/2018 dated 2.8.2018 was registered under Sections 413, 414, 420, 476, 468, 471, 34 of IPC by ASI Police Khaira Police Station against FIR named accused, Dharmbhir Ray and Sonu Kumar Singh in which informant has alleged that he received confidential information that FIR named accused has kept stolen Bolero pickup van in his house to sell and on receiving said information, he along with other police personnel raided the house of Dharmbhir Rai and found one Bolero pickup vehicle parked there and two accused persons produced a smart registration card of said vehicle being registration No.BR-28L-7686 registered in the name of Brij Kishore Pd. (petitioner) chassis no. MA1Z N2GHKG1D37968, however, on inspection of the vehicle the registration number, chassis number and engine number were found to be tampered and erased. The second vehicle which was stolen one, attempt was made to tamper its registration, chasis and engine number and sell it as



petitioner's vehicle which was seized earlier in Basantpur P.S.
Case No.25 of 2018.

Petitioner has tried to mislead and misrepresent before this Court by taking advantage of two FIRs in which registration number and type of vehicle is same but on deeper scrutiny, it is apparent that the second vehicle for which FIR was instituted under Sections 414 and other sections of IPC dated 2.8.18 was with respect to a stolen vehicle in which registration number, chassis number and engine number were tampered and it appears that there is connivance of petitioner also in second FIR as his original smart card, ownership card was seized by the police from the possession of FIR named accused.

There is no merit in this writ petition and same is dismissed with warning to the petitioner to be cautious in future.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ranjan/Sanjay

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

