

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63559 of 2019

Arising Out of PS. Case No.-192 Year-2018 Thana- BIHIA District- Bhojpur

Yogesh Yadav S/o Late Yadu Nandan Yadav Resident of Village- Bhojachak,
Police Station- Behea, District- Bhojpur as Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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 14.03.2019 passed by 4th Additional Sessions Judge-cum-Special Judge-Excise, Bhojpur at Ara on 14.03.2019 in Excise Case No.836 of 2018 arising out of Behea P.S.Case No.192 of 2018, whereby and whereunder the learned Court below has been pleased to reject the petition filed by the petitioner for release of Motorcycle bearing Registration No.BR-03W-9265.

The learned counsel for the petitioner submits that the court below has rejected the petition filed by the petitioner for release of the motorcycle bearing registration no.BR-03W-9265 against the settled principles of law and that 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 14.03.2019 passed in Excise Case No.836 of 2018 arising out of Behea P.S.Case No.192 of 2018 stands quashed. The vehicle, in question, bearing registration no.BR-03W-9265 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, Bhojpur, Ara 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 stands disposed of.

(Anjana Mishra, J)

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