

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3987 of 2019

In
Civil Writ Jurisdiction Case No.1055 of 2018

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Sambhu Rai, son of Sunder Rai, Resident of Ward No. 06, Jalgovind
Ibrahimpur, P.S.-Barh, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Bihar, Patna.
2. The Collector, Patna.
3. The Sub-Divisional Officer, Patna.
4. The Officer-in- Charge, Athmalgola Police Station, District- Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

2 06-01-2020 Heard learned counsel for the petitioner and

learned counsel for the State.

This application has been filed by the petitioner for
modification of the order dated 09.03.2018 passed in CWJC
No.1055 of 2018 by which the vehicle bearing Registration
No.BR01PF-5581 was ordered to be released.

Learned counsel for the petitioner submitted that
due to erroneous statement made in the writ petition that the
vehicle seized was a Mahindra Pickup Van while passing the
order dated 09.03.2018 in CWJC No.1055 of 2018, this Court



recorded in para 1 that the petition has been filed for release of Mahindra Pickup Van. He contended that as a matter of fact the name of the vehicle in question is Mahindra & Mahindra 3 wheeler, which would also reflect from the certificate of registration. He contended that due to the aforesaid mismatch in the name of the vehicle despite the order of release dated 09.03.2018, the vehicle could not be released till date. He submitted that if the modification is not allowed, the petitioner would suffer irreparable loss as the vehicle in question is the only source of his livelihood.

Learned counsel for the State does not oppose the prayer made by the petitioner in the present application.

Having heard the parties and perused the materials on record, the application is allowed. In the order dated 09.03.2018 passed in CWJC No.1055 of 2018, in the second line of para 1, Mahindra Pickup Van be read as Mahindra & Mahindra 3 wheeler.

(Ashwani Kumar Singh, J.)

(Partha Sarthy, J.)

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