

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9795 of 2020

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Tarkesh Chaudhary @ Tarkeshwar Chaudhary Son of Vansh Lal Choudhary
Resident of Village- Supana, P.O.- Azizpur, P.S.- Saraiya, District-
Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. Superintendent of Police, Muzaffarpur.
4. The Station House Officer, P.S.- Kudhani, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rudal Singh, Advocate

For the Respondent/s : Mr. Kumar Pankaj, AC to SC 5

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 17-02-2021 Petitioner has prayed for the following relief(s):

“(A) A writ in the nature of prohibition or any other writ/s, order/s, direction/s, for issuance of directions to the Respondent not to release of the petitioner’s Honda Motorcycle CB Unicorn bearing Registration No. BR06BT2371 and Rs.18,200/- and Mobile seized in



connection with Kudhni P.S. Case No. 668/19 dated 13-10-19 for the offence alleged under section 414/467/468/471/34 of I.P.C. and section 30(a)/38(i)/41(i) of Bihar Prohibition and Excise Act, 2016.

(B) Any other relief/s for which the petitioner is found entitled to.”

Shri Kumar Pankaj, learned counsel for the State, states that today itself the appropriate authority constituted under the Bihar Prohibition and Excise Act, 2016, has already passed the order directing release of the motor vehicle Honda Motorcycle CB Unicorn bearing Registration No. BR06BT2371.

If that were so, we are of the considered view that substantial relief already stands granted by the appropriate authority.

The Station House Officer is directed to forthwith release the vehicle as per law in terms of the directions issued under Memo. No.211 dated 17.02.2021 issued by A.D.M., Muzaffarpur.

However, insofar as the recovery of cash amounting to Rs.18,200/- and a mobile seized in connection with Kudhani P.S. Case No. 668 of 2019 is concerned, it is



open for the petitioner to approach the concerned Court for
release of the same.

Petition stands disposed in the aforesaid terms.

(Sanjay Karol, CJ)

(Rajeev Ranjan Prasad, J)

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