

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4526 of 2019

In
Civil Writ Jurisdiction Case No.5450 of 2019

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Prem Shankar Kumar, Son of Vinod Prasad, Resident of Village - Puraina,
Police Station - Yogapatti, District-West Champaran.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The District Magistrate, West Champaran at Bettiah.
4. The Superintendent of Police, Bettiah West Champaran.
5. The Officer In Charge, Chautarwa Police Station, District- West Champaran.

... .. Respondents-Opposite Parties

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Appearance :

For the Petitioner : Mr. Sanjay Kumar No. 7, Advocate
For the Opposite Parties : Mr. Vivek Prasad, GP-7

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

3 23-03-2021 Heard learned counsel for the petitioner and

learned counsel for the State.

The instant application has been filed by the
petitioner for modification of the order dated 12.04.2019 passed
in CWJC No.5450 of 2019 by this Court.

By the aforesaid order dated 12.04.2019, a
direction was made for provisional release of Hero Passion Pro
motorcycle bearing Registration No. BR22T3610, Chasis No.



MABHA10A6EHH74249, which was seized in connection with Yogapatti P.S. Case No.226 of 2018 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel appearing for the petitioner submits that the aforesaid motorcycle bearing Registration No. BR22T3610 of the petitioner was seized in connection with Chautarwa P.S. Case No.117 of 2018 by the police and not in connection with Yogapatti P.S. Case No.226 of 2018. He submitted that the said motorcycle of the petitioner had been stolen by unknown persons for which he had lodged Yogapatti P.S. Case No.226 of 2018 against unknown persons. The said motorcycle was seized by the police in connection with Chautarwa P.S. Case No. 117 of 2018 on the charge of carrying illicit liquor. He contended that since the order has been passed by this Court for provisional release of the vehicle in connection with Yogapatti P.S. Case No.226 of 2018, the same has not been released in favour of the petitioner till date.

Learned counsel appearing for the State raises no objection to the prayer for modification in the order dated 12.04.2019 made on behalf of the petitioner.

Considering the submissions made above, in the order dated 12.04.2019 passed in CWJC No.5450 of 2019,



Yogapatti P.S. Case No.226 of 2018 be read as Chautarwa P.S.

Case No.117 of 2018.

The application for modification is allowed.

(Ashwani Kumar Singh, J.)

(Arvind Srivastava, J.)

sanjeet/-

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