

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12544 of 2022

Abhay Kumar Son of- Late Rajeshwar Prasad, R/o Village- Madhubani Ghat,
P.S.- Muffasil, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Collector/ District Magistrate, East Champaran at Motihari.
4. The Superintendent of Police, East Champaran at Motihari.
5. The Officer Incharge of Police Station of Dhaka, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar No.1, Advocate
For the Respondent/s : Mr.Vikash Kumar (S.C.11)

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 : 02-09-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- (i) For of an appropriate writ / writs, direction / directions, order/orders specially in the nature of Mandamus with a direction upon the respondent/respondents to hand over the petitioner's motor cycle bearing Registration No. BR05AC9010 Engine No. RKGA50390 Chassis No. R02XKGA40428.
- (ii) For any other relief/reliefs to which petitioner may be found entitled in the facts and circumstances of the case.

It is submitted that total 666 litres country made liquor was recovered from one motorcycle and one Bolero vehicle in which one motorcycle bearing registration No. BR05AC9010 was of the petitioner, which was stolen by

unknown persons, for which he had instituted an FIR (Annexure-3) and his stolen vehicle was misused by miscreants for transporting illicit liquor which was seized by police on 02.04.2022 with illicit liquor for which FIR was instituted and for which petitioner cannot be held to be responsible.

In facts and circumstances of present case, District Magistrate/Confiscating Authority, East Champaran at Motihari is directed to provisionally release the vehicle of petitioner after due identification of ownership of the vehicle on production of ownership and registration papers with respect to vehicle in question in his name and on furnishing adequate sureties to the satisfaction of District Collector/Confiscating Authority, the release shall be within a period of 14 days from the date of submission of the sureties.

With said observations, this writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	