

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10814 of 2021**

Arising Out of PS. Case No.-303 Year-2018 Thana- HARSIDHI District- East Champaran

MANJAY CHOUDHARY Son of Ayodhya Choudhary @ Achhelal Choudhary Resident of Bagahi Nimiya Tola, P.S. Bairiya, District - West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr. Ram Priya Saran Singh, APP

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT**

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 29-04-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“For quashing the order dated 01.02.2019 passed by the learned Judicial Magistrate, Mothiari, East Champaran in Tr. No.1926 of 2018 in connection with Harsidhi P.S. Case No. 303 of 2018 and after quashing the order dated 01.02.2019 to release the Hero Splendor Plus motorcycle bearing its Registration No.BR-22AG-2841, Chassis No.MBLHAR074JHF47618 and its Engine No. HA10AGJHF57307 in favour of the petitioner.”

Learned counsel for the petitioner submits that the court below has dismissed the petition for release of the aforesaid vehicle on the ground that there was difference of one letter (J) in the Engine number of the vehicle of the petitioner.

It is further submitted that petitioner is a bona fide owner of the aforesaid vehicle, however, during preparation of

seizure list, the concerned police officer entered the wrong engine number bearing Engine No.HA10AGHF57307 in place of Engine No.HA10AGJHF57307. It is further submitted that D.T.O., Bettiah has written a letter dated 18.12.2018 to the concerned learned court stating that owner of the said motorcycle is petitioner. Even if Engine number has wrongly recorded but from chassis number it is apparent that petitioner is owner of seized motorcycle.

In view of the submission made above, the order dated 01.02.2019 passed by learned Judicial Magistrate, Motihari, East Champaran is quashed. Learned Magistrate shall pass a fresh order.

With aforesaid observation and direction, the present petition stands disposed of.

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.05.2022
Transmission Date	NA