

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12780 of 2022

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Sikandar Kumar Son of Arun Pandit, Resident of Village- Makhpa, P.S. -
Makhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Prohibition Excise and Registration Department, Government of Bihar.
2. The Additional Chief Secretary, Department of Excise and Prohibition, New Secretariat, Vikash Bhawan, Patna.
3. The Excise Commissioner, Department of Excise and Prohibition, New Secretariat, Vikash Bhawan, Patna.
4. The District Magistrate, Saran.
5. The Superintendent of Police, Saran.
6. The Superintendent of Police, Patna.
7. The Officer in Charge, Nayagaon Police Station, Saran.
8. The Officer in Charge, Kankarbagh Police Station, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Advocate
For the Respondent/s : Mr.Kumar Manish (SC- 5)

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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):-

1. That the present writ application is being filed for the issuance of a writ in the nature of writ of mandamus or any other appropriate writ, order or direction commanding the respondents to release the Splendor Motorcycle bearing Registration No.- BR -01EN-4731 in favour of the petitioner which was stolen by thieves regarding which Kankarbagh P.S. Case No.425/21 was lodged by petitioner on 27.04.2021 and the said Splendor Motorcycle seized in connection with Nayagaon P.S. Case No. 114 of 2021 lodged on 09.07.2021 under Bihar Prohibition and Excise Act, 2016.

It is submitted that 50 litres illicit liquor was recovered from the motorcycle of the petitioner, which was stolen on 27.04.2021 by unknown persons, for which he had instituted an FIR (Annexure-2) and his stolen vehicle was misused by miscreants for transporting illicit liquor which was seized by police on 09.07.2021 with illicit liquor for which FIR was instituted (Annexure-3) and for which petitioner cannot be held to be responsible.

In facts and circumstances of present case, District Magistrate/Confiscating Authority, Saran 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	