

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13232 of 2022

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Brijesh Paswan S/o Gambhir Paswan, Resident of Village - Mungraha, P.S. -
Manjhagarh, Dist. - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Excise and Prohibition Department, Govt. of Bihar, Patna.
3. The Collector-cum-District Magistrate, West Champaran at Bettiah.
4. The Superintendent of Police, West Champaran at Bettiah.
5. The Officer-In-Charge, Nautan, Police Station, Nautan, District - West Champaran.
6. The Investigating Officer, Nautan P.S. Case No. 347/2022, Nautan Police Station, Nautan, District - West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Respondent/s : Mr.Vivek Prasad (G.P.7)

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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 : 09-09-2022

Heard learned counsel for the parties.

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

- A. For issuance of a writ in the nature of mandamus or any other appropriate writ, order/s, direction commanding the respondents to release Hero Splendor Plus Motorcycle of the petitioner bearing Registration No. BR28V3621 (wrongly written as BR28V9591 in the F.I.R. and the seizure list), Chasis No. MBLHAW090K4B01684 and Engine No. HA10AGK4B03348 (wrongly written as HA10AGK4B0348 in the F.I.R. and the seizure list), which has been seized in connection with Nautan P.S. Case No. 347/2022 registered u/ss. 30(a)/30(D) of the Bihar Prohibition and Excise Act.
- B. For any other relief/s to which the petitioner is found entitled to.

It is submitted on behalf of petitioner that he is the owner of the seized vehicle which was stolen by unknown thieves 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 with illicit liquor for which FIR was instituted (Annexure-2) and for which petitioner cannot be held to be responsible.

In facts and circumstances of present case, District Magistrate/Confiscating Authority, West Champaran at Bettiah 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)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	