

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14256 of 2022

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Ramanuj Prasad S/o Harihar Prasad, Resident of Village-Dihuri, P.O.-Dona,
P.S.-Hisua, District-Nawada. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Divisional Commissioner, Excise Department, Patna Division, Patna.
3. The District Collector, Nawada.
4. The Superintendent of Police, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, 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 : 23-09-2022

Heard learned counsel for the parties.

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

- (i) For release the Hero Glamour Motorcycle bearing Registration Number BR27D-8302, Chesis No.- MBLJA06APEGK01149 and Engine No. JA06ELFGK01203 was seized by the respondent authorities in connection with Sirdalla P.S. Case No. 378/2022 for the offence registered under section 30(a) of the Excise Act.
- (ii) For that confiscation case has not been initiated in this case.

It is submitted on behalf of petitioner that he is the owner of the seized vehicle which was stolen by unknown thieves on 15.06.2022, for which he has lodged FIR on 15.06.2022 giving rise to Hisua P.S. Case No. 349 of 2022

(Annexure-3), for the offence punishable under Section 379 of IPC, and same was being used by the miscreants for transportation of illicit liquor, which was seized by police on 05.07.2022 with 11 litres of illicit liquor, for which FIR was instituted (Annexure-1) and for which petitioner cannot be held to be responsible.

In facts and circumstances of present case, District Magistrate/Confiscating Authority, Nawada 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 observation, this writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

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Transmission Date	