

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19996 of 2021

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Ram Singh Yadav, S/o Madan Yadav, R/o Village-Kaulapur Brita, P.S.-
Yogapatti, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department, Government of Bihar, Old Secretariat, Patna-800001.
2. The Secretary, Excise Department, Vikash Bhawan, Bailey Road, Patna, Bihar-800001.
3. The District Magistrate, East Champaran, Collectorate Office, East Champaran.
4. The Officer-in-Charge of Mufassil (Lakhaura) Police Station, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh, Advocate
For the Respondent/s : Mr.Vikash Kumar (S.C.11)

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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 : 01-04-2022

Heard learned counsel for the parties.

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

“That this Civil Writ application is for issuance of appropriate writ/orders/directions commanding the respondents to release the Splendor Plus Motorcycle, bearing its Registration No. BR22AN4885, Chasis No. MBLHAW087KHG56602, Engine No. HA10AGKHGE0923, which was seized by

Officer-in-charge of Muffasil (Lakhaura) Police Station on 19.06.2021, in connection with Muffasil (Lakhaura) P.S. Case No. 315/21, Excise Case No. 1335/21 and it is being kept in the premises of Muffasil (Lakhaura) Police Station, District- East Champaran.”

It is submitted that 190 litres country made liquor was recovered from three motorcycles in which one motorcycle bearing registration No. BR22AN4885 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 19.06.2021 with illicit liquor for which FIR was instituted (Annexure-2 series) and for which petitioner cannot be held to be responsible.

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