

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4626 of 2023

Abhinash Kumar, Son of Bhushan Singh, Resident of Village- Sakra, Police Station- Nawada, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, (Bihar Prohibition and Excise Department) Government of Bihar Patna.
2. The District Magistrate, Lakhisarai.
3. The Superintendent of Police, Lakhisarai.
4. The S.H.O., Lakhisarai Police Station, District- Lakhisarai.
5. The Investigating Officer, Channan, Police Station Case No. 95 of 2022 dated 01.02.2022

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bipin Kumar, Advocate
For the Respondent/s	:	Mr. Kumar Manish (SC 5)
		Ms. Shama Sinha, AC to SC 5

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-04-2023

The petitioner is before us claiming that his bike was stolen from his relative's house against which an FIR being Barbiga P.S.Case No.01/2022 dated 03.01.2022 was registered.

It is alleged that the said vehicle was seized in an excise crime for which an FIR being Chanan P.S. Case No.95 of 2022 dated 01.07.2022 was registered, the seizure memo of which has been produced herein as Annexure-3.



The petitioner seeks release of the vehicle especially since it was detained in Excise crime after it was stolen from his relative's premises.

The State counsel points out that there were six bikes which were seized, none of which have the registration number as is seen from the registration certificate produced as Annexure-1 by the petitioner. In fact, it was pointed out from page 29 of the petition that one vehicle seized bearing Registration No.BR01DZ4456 had the same Engine number as is seen from the registration certificate produced as Annexure-1. However, on further verification, it was found that the engine number is one fraudulently recorded in the bike. It is also submitted that there is a certification made by the Transport Authority regarding the engine number having been changed.

In the above circumstances, the only remedy available to the petitioner is to appear before the confiscating authority and prove the credentials so far as the bike seized being owned by him covered by the certificate of registration produced as Annexure-1 and seek its release in accordance with law.



Leaving open such remedy, the writ petition
would stand closed.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	20.04.2023
Transmission Date	

