

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6867 of 2023

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Nitesh Kumar S/o Late Vikram Singh @ Vikrama Singh, C/o Deepandera Kumar, H/O Nawal Kishoe Sharma Lane No. 8 Vidya Nagar, Rukanpura, Patna-4, permanent Address- Village- Bahadurpur, P.S. Prashi, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary Registration and Excise Department, Govt. of Bihar.
2. The District Magistrate cum Collector, Aurangabad.
3. The Superintendent of Police, Aurangabad, District- Aurangabad.
4. The Incharge of P.S. Aurangabad Town.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kameshwar Singh, Advocate

For the Respondent/s : Mr.Kumar Manish (SC-5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-05-2023

The petitioner is concerned with the vehicle (TATA Indogo Car) bearing Registration No. BR01 BV 9375, Chassis No. MAT607341DPG22865, Engine No. 475IDT14GWYP37659, seized in connection with Aurangabad



Town P.S. Case No. 733/2022 dated 13.11.2022.

Learned counsel for the petitioner submits that the vehicle was not at all involved in an excise offence and the seizure was made from yet another vehicle.

Learned Government Advocate on instructions submits that the vehicle was seized with respect to an offence wherein 163 litres of IMFL was seized from another vehicle. Initially, the police had registered a case and seized the vehicle alleging conspiracy. However, on investigation it has been revealed that there is no conspiracy involved and the report dated 02.02.2023 has been filed before the Special Court, Aurangabad which report is produced by the petitioner himself as part of Annexure -2 at Page 24 of the writ petition.

In the above circumstances, the police having categorically submitted that there is no conspiracy involved and they do not have any objection to release the vehicle, as is revealed from the report itself, we are of the opinion that the vehicle can be released to the petitioner. The petitioner shall approach the police immediately who shall release the vehicle to the petitioner, or if produced before the Court, then the petitioner would be entitled to file an application before the Special Court for release of the vehicle, which shall be done



based on the report of the police.

The writ petition is disposed of.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

P.K.P./Anushka

AFR/NAFR	
CAV DATE	
Uploading Date	09.05.2023
Transmission Date	

