

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9729 of 2023

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Avinash Kumar @ Avineash Kumar Son of Baidhnath Yadav, R/o Shahganj, Benta, Ward No. 35, Ahila, P.O.-DMC, P.S.-Laheriyasarai, District-Darbhanga, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Excise Commissioner, Excise Department, Bihar, Patna.
2. The Director General of Police, Patna.
3. The Collector cum District Magistrate, Patna.
4. The Superintendent of Police, Patna, Bihar.
5. Dinesh Kumar Mishra, Investigating Officer, Digha Police Station.
6. The S.H.O. Excise Police Station, Digha (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akash Shankar
For the Respondent/s : Mr. Vikash Kumar (SC-11)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

2 27-07-2023 In the instant petition, the petitioner has prayed for
following relief :

“ I) To release the seized Maruti Suzuki Registration No. BR01CW5025 in favour of the owner / petitioner, which has been seized in connection with Digha P. S. Case No. 639/22, registered on the date of 25.09.2022 for the alleged offence under section 30(a) Bihar Prohibition and Excise Amendment Act and under Section 279, 337 and 338 of the Indian Penal Code without any further



delay.

b. For the direction upon the concern authorities to pay compensation in respect to the loss and depreciation of the seized car for the period of custody of vehicle mentioned in the seizure list and any damages of the seized vehicle if any.”

2. The petitioner has not produced any material to show that he is the owner of the subject vehicle except one sale letter dated 12.09.2022. Perusal of the letter, it is not an authenticated document for the reasons that it is not supported by any witnesses.

3. That apart, for the purpose of transfer of motor vehicle from one person or a firm to another person is governed under the various provisions of the Motor Vehicle Act, 1988, the owner and purchaser, their duties and responsibilities have been fixed in the form of various form and those forms were to be filled & presented before the Regional Transport Authority for transfer of ownership of motor vehicle. These materials are not forthcoming in the present case.

4. In the absence of these material information, the petitioner has no locus to contend that he is the owner of the subject vehicle.



5. Accordingly, the present petition stands dismissed, reserving liberty to the petitioner to invoke appropriate remedy.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

Skm/chandan/-

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