

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.940 of 2021

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

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SHASHI RANJAN KUMAR S/o VINAY KUMAR R/o VILLAGE-
NADAWAN, P.S-DHANARUA, DISTRICT-PATNA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE CHIEF SECRETARY, GOVT. OF BIHAR, PATNA
2. THE PRINCIPAL SECRETARY, DEPT OF GENERAL ADMINISTRATION, GOVT. OF BIHAR, PATNA.
3. THE DIRECTOR GENERAL OF POLICE, BIHAR, PATNA.
4. THE INSPECTOR GENERAL OF POLICE, PATNA RANGE, PATNA.
5. THE SENIOR S.P. PATNA.
6. THE S.P. (RURAL), PATNA.
7. THE SDPO, MUSAURAHI, DISTRICT-PATNA.
8. THE SHO, DHANARUA P.S., DISTRICT-PATNA.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Abhay Kumar Thakur
For the Respondent/s : Mr.Manish Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 27-07-2023 1. Petitioner claims to be the owner of two motorcycles having Registration No. BR01DW1141 & BR01DS5978, which according to the petitioner have illegally and forcefully been taken away by the SHO, Dhanarua P.S. and SDPO, Masaurhi from the house of the petitioner on 05-05-2020.

2. Learned counsel for the petitioner submits that no case is registered against the petitioner under which the



aforesaid bikes have been seized by the Police. He further submits that the petitioner has made several representations before the higher police authorities for release of the vehicles but no action has been taken by the superior authorities.

3. Learned counsel for the State submits that vehicles in question were not lifted from the house of the petitioner rather the same were standing in abandoned condition in Nadwan Bazar, which were not being claimed by anybody. Accordingly, Police lifted the motorcycles and brought it in the Police Station on 06-05-2020. A Sanha to this effect has been registered and entry was made in the Police Station vide Sanha No. 167 / 2020 dated: 06-05-2020. It has further been submitted by the State counsel that vide letter no.- 615 dated: 13.06.2020 the Assistant Sub Inspector of Police, Dhanarua Police Station made a request to the District Transport Officer, Patna to provide details of the aforesaid motorcycles, however, the petitioner instead of approaching the SHO, Dhanarua Police Station along with documents of the motorcycles for release of seized motorcycles has filed the present writ application.

4. I have heard learned counsel for the parties and have gone through materials on record. It has been admitted by the respondent - State that Police has kept the motorcycles in



question in the Police Station which were found in abandoned condition near the Nadwan Bazar. The petitioner has also not approached the concerned Police Station for release of the seized motorcycles in question inasmuch as according to the petitioner since no F.I.R. has been registered therefore the petitioner could not approach the Civil Court under the provisions of the Cr.P.C. for release of the motorcycles.

5. In view of the aforesaid facts involved in this case, the petitioner is directed to approach the respondent no. 7 / SDPO, Masaurhi along with all the papers concerning the motorcycles including the ownership, and if the SDPO, Masaurhi is satisfied that the petitioner is the rightful owner of the motorcycles in question and the same are not material exhibits in any other criminal case, he is directed to release the motorcycles in accordance with law.

6. With the aforesaid observation and direction, the writ petition stands disposed of.

(Anil Kumar Sinha, J)

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