

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.962 of 2021

Arising Out of PS. Case No.-152 Year-2020 Thana- RAJAPAKAR District- Vaishali

SHIT KUMAR Son of Ram Balak Ray Resident of Village - Majhauri, P.S.-
Bidupur, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Director General of Police, Patna, Bihar. Bihar
3. Inspector General of Police, Muzaffarpur, Bihar. Bihar
4. Superintendent of Police Vaishali at Hajipur. Bihar
5. Sub-Divisional Police Officer, Mahua, Vaishali. Bihar
6. Officer in Charge of Rajapakar Police Station, P.S.- Rajapakar, District -
Vaishali. Bihar
7. Din Dayal Rai Son of Padarath Rai Resident of Village - Kakarhatta, P.O.-
Dhavauli Bazar, P.S.- Bidupur, District - Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar
For the Respondent/s : Mr. Md. Nadim Seraj

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 31-07-2023 Heard learned counsel for the parties concerned.

The petitioner has filed the present writ application for direction to the police authority to remove his name from the column of accused persons in connection with Rajapakar Police Station Case No. 152 of 2020, dated 09.07.2020, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

The First Information Report, bearing Rajapakar Police Station Case No. 152 of 2020, was instituted on the



statement of Assistant Sub-Inspector, Rajapakar Police Station, for recovery of illicit liquor, which was being carried by two persons on motorcycle, bearing Registration No. BR-31AB/1636, which was seized, however, two accused persons, riding on the motorcycle, succeeded in fleeing away. The vehicle was found registered in name of the petitioner, as such the owner of the vehicle i.e. the petitioner was also made accused along with two accused persons, who succeeded in fleeing away.

It is an admitted position that the petitioner is the registered owner of the seized vehicle. Learned counsel for the petitioner submits that the petitioner had sold the vehicle, in question, prior to the date of occurrence, which would be evident from the affidavit, sale letter, etc. annexed at Annexure-2 series of the writ application. He, accordingly, submits that the petitioner has no concern with the vehicle, in question, as such, his name be deleted from the column of accused persons from the First Information Report.

I have heard learned counsel for the parties.

It is an admitted position that the petitioner is the registered owner of the vehicle, bearing Registration No. BR-31AB-1636, and the confiscation proceeding has been initiated



by the confiscating authority i.e. Senior Deputy Collector, Vaishali at Hajipur, who has issued notice in name of the petitioner for confiscation of the motorcycle, in question. It is also an admitted fact that the petitioner after alleged sale of the vehicle has not informed the District Transport Officer within the provisions of law.

Whether the petitioner has sold the vehicle prior to the date of occurrence is a question of fact, which cannot be decided in the present writ application.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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