

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.395 of 2023

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Raja Babu S/o Md. Namir R/o Village- Nawab Ganj, P.O.-Barah, P.S.-
Ranitalab, District- Patna at Present H/o Zamakharif Rolson Yusuf Mohalla-
Digha, P.S.-Digha, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the D.G.P., Patna.
2. The District Magistrate, Jamui
3. The Superintendent of Police, Patna.
4. The S.H.O. Gandhi Maidan, P.S.- Patna.
5. The S.H.O., Khaira, P.S.-Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishor Kumar, Advocate
For the Respondent/s : Mr. Md. Nadim Seraj (GP 5)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 02-02-2023

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“That the petitioner filed a writ for issuance of appropriate writ(s)/directions commanding upon the Respondent to release the vehicle of this petitioner bearing Registration No.BRO1DG0132 Apache Motorcycle in connection with Khaira P.S. Case No.306/22 dt.24.07.22 offence under section 272, 273 of the 1.P.C. and 30(a) of the New Amendment of the Exhise Act.

A true photo copy of the FIR in Khaira No.306/22 connection P.S. is with Case annexed herewith and marked as Annexure-1 petition.”



It is submitted that 12 litres of illicit liquor was recovered from the motorcycle of petitioner which was stolen for which he had instituted an FIR dated 28.3.2022 (Annexure-2) and his stolen vehicle was misused by miscreants by using fake registration number for transporting illicit liquor which was seized by police on 24.7.2022 and he is not responsible of being indulged in carrying illicit liquor in his vehicle as same was stolen for which he had already instituted an FIR, for which petitioner cannot be held to be responsible.

In facts and circumstances of present case, District Magistrate/Confiscating Authority concerned is directed to provisionally release the vehicle of petitioner after due identification of ownership of the vehicle on production of ownership and registration papers with respect to vehicle in question upon furnishing adequate sureties to the satisfaction of the concerned District Magistrate/Confiscating Officer.

The release shall be allowed within a period of 14 days from the date of submission of the sureties.

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

However, it shall always be open for petitioner to get



his vehicle released in terms of Rule 12(A) of Amended Excise
Rules, 2021.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Spd/-Sujit

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