

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2292 of 2024

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Sumit Kumar Gupta Son of Gorakh Prasad Gupta, resident of Village -
Singaha, Tola Kawalhata, P.O. Hathua, P.S. - Mirganj, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The Superintendent of Excise, Saran (Chapra).
3. The Collector-cum-District Magistrate, Saran (Chapra).
4. The Station House Officer, Jalalpur P.S., District - Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ramadhar Shekhar, Advocate
For the Respondent/s : Mr.Additional Advocate General 13

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 17-02-2024

In the instant petition, petitioner has prayed for the
following reliefs:-

*"a) To direct the respondents,
particularly the S.H.O., Jalalpur (Saran)
to release in favour of the petitioner, being
the rightful registered owner of the Apache
Motorcycle black colour bearing Chasis
no. MD634AE96L2L02022, Engine No.
AE9LL2902060, which was seized in
connection with Jalalpur P.S. Case No.
287/23 dated 02.11.2023 registered under
section 413, 414, 34 of I.P.C and 30(a) of
Bihar Prohibition and Excise Act, 2016,*



which had been theft by the unknown theft on n 29.07.2022 for which Siwan Muffasil P.S. Case No. 433/22 i/s 379 of I.P.C. was lodged by the petitioner, mentioning the stolen Apache Black Colour motorcycle bearing Reg. No. BR-29-AN-5849 having the same chassis and engine number of the seized motorcycle."

2. Learned counsel for the respondent-State on instruction submitted that official respondents have filed counter affidavit and it is admitted fact that confiscation proceedings have not been initiated and concluded.

3. In the light of these facts and circumstances and the fact that petitioner has already registered FIR for theft of the subject matter of the motor vehicle. The concerned authority is directed to release the subject matter of the motor vehicle in favour of the petitioner and proceed to complete all further proceedings within a period of six months from the date of receipt of this order. While releasing the subject matter of the motor vehicle in favour of the petitioner, the concerned authority is hereby directed to take note of identification of the motor vehicle with reference to documents read with the registered owner. Officials-Respondents may insist for bank guarantee with reference to value of the motor vehicle. The above exercise shall be completed within a period of two weeks from the date of receipt of this order.



3. With the aforesaid observations, the present writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

asmit/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21.02.2024
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