

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4913 of 2024

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Anshunandan Kumar S/o Sudarshan Prasad Resident of Village-
Khanjahanpur, P.S.- Buniyadganj, District-Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar Through the Principal Secretary, Bihar Prohibition and Excise Department, Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Superintendent of Excise, Gaya.
4. The Superintendent of Police Gaya.
5. The Officer in Charge, Gurua Police Station, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sujeet Kumar Gupta, Adv. Mr. Ram Kumar Singh, Adv. Mr. Priyanshu Ranjan, Adv.
For the State	:	Mr. AC to GP-11

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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 : 01-04-2024

In the instant petition, petitioner has prayed for
the following relief(s):-

*(I) To issue an appropriate
order/s, direction/s including a writ
preferably in nature of Mandamus
commanding the respondents to release the
vehicle/ Motorcycle bearing Registration No.
BR02BM-6612, Chassis No.
MBLHAW238PGG00697, Engine No.
HA11E8PGG00973 in favour of the*



petitioner who is the absolute owner of the said motorcycle seized in Gurua P.S. Case No. 540/ 2023 registered under Sections 413, 414, 467, 468 IPC and Section 30(a) of Bihar Prohibition and Excise Act lying in the premises of Police station and subject to natural decay by furnishing sufficient security to the satisfaction of learned District Magistrate, Gaya.

(II) To quash the order dated 08.02.2024 passed by the learned Exclusive Special Excise Court No. V, by which the learned Sessions Judge has dismissed and disposed off the petition filed by the petitioner to for the release of said seized motorcycle in connection with Gurua P.S. Case No. 540/ 2023 u/s 413, 414, 467, 468 IPC and Section 30(a) of Bihar Prohibition and Excise Act.

(III) Any other relief/s to which the petitioner is entitled in the facts and circumstances of the case.

2. On 21.03.2024, the following order was passed:-

Officer-in-charge, Gurua police station District-Gaya is hereby directed to file his personal affidavit as to why he has not cross verified whether P.S. Case No. 636



of 2023 registered on 08.11.2023 in Kotwali P.S. in respect of theft of subject matter of motor vehicle and its genuineness so as to release the subject matter of vehicle. He is also hereby directed to ascertain what is the stage of Kotwali P.S. Case No. 636 of 2023 registered on 08.11. 2023 in respect of theft of the subject matter of motor vehicle/petitioner being a complainant, such affidavit shall be filed before the next date of hearing.

2. Re-list this matter on 28.03.2024.

3. Respondent-State in their counter affidavit admitted that Gurua P.S. Case No. 540 of 2023 was registered on 17.12.2023 for the offences under Sections 413/414/467/468 of the IPC read with Section 30(A) of the Bihar Prohibition and Excise Act, 2016 and seized subject matter of the motor vehicle and arrested accused by name Raj Kumar Chaudhary.

4. This is evident that petitioner-Anshunandan Kumar is not involved in Gurua P.S. Case No. 540 of 2023 in the light of P.S. Case No. 636 of 2023 registered on 08.11.2023 in Kotwali Police Station and it relates to theft of subject matter of the motor vehicle.

5. Therefore, 5th respondent-Officer in charge, Gurua Police Station, District-Gaya is hereby directed to release



the subject matter of the motor vehicle in favour of the petitioner after due verification of records and identification of person within a period of three days from today.

6. Accordingly, the present petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

shahzad/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03.04.2024
Transmission Date	N.A.

