

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10492 of 2024

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1. Mr. Rohit Sachdeva S/o- Rakesh Sachdeva, R/o- D-1215, Sainik Colony, Sector- 49, Faridabad, on behalf of petitioner no. 2.
 2. Mr. Rakesh Kumar Sachdeva, S/o- Late Jeevan Lal Sachdeva, R/o- D-1215, Sainik Colony, Sector 49, Faridabad.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principle Secretary, Registration Excise and Prohibition Department.
2. District Magistrate, Sitamarhi, Bihar.
3. Superintendent of Police, Sitamarhi, Bihar.
4. SHO, Runnisaidpur Police Station, Sitamarhi, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashar Akhtar, Advocate
For the Respondent/s : Mr. Anirban Kundu, SC 24

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL ORDER

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

2 12-07-2024 In the instant writ petition, petitioners have prayed for
the following relief/reliefs:

*“i. To direct the District
Magistrate, Sitamarhi to permanently release
the stolen vehicle Hyundai Creta, bearing
registration number bearing registration no. -
HR 51 BJ 6001, Engine no –
D4FB9M054916, Chassis no –
MALC381VLJM087941 (Make model 2016),*



registered in the name of Petitioner No. 2, so the Petitioner can create third party interest/alienate the vehicle.

ii. To direct the Bank of Baroda, and or District Magistrate, Sitamarhi to direct the Bank of Baroda CGO Complex Faridabad to cancel the Bank Guarantee/Fixed deposit (F.D.) dated 21.09.2020 and release the amount of Rs. 6,00,000/- in the name of the account holder (Petitioner No. 2).

iii. For any other relief or reliefs for which the petitioner is found entitled in the eyes of law.”

2. *Prima facie*, petitioners are not entitled to the relief of permanently releasing the subject matter of vehicle for the reasons that two offences are pending consideration read with the confiscation proceedings.

3. We request the District Magistrate, Sitamarhi, Bihar to conclude the confiscation proceedings within a period of three months from the date of receipt of copy of this order. If the petitioners' role are not found in the confiscation proceedings to the extent that they are involved in the excise offence, in that event, concerned respondents are hereby directed to release the



bank guarantee in favour of the petitioners. However, petitioners shall furnish the subject matter of vehicle if the same is warranted for the purpose of any proceedings on behalf of the respondents.

4. If confiscation proceedings is already over, petitioners are at liberty to approach the appellate authority.

5. With the above observation, present writ petition stands disposed of.

(P. B. Bajanthri, J)

(G. Anupama Chakravarthy, J)

GAURAV S./-

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