

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47686 of 2021

Arising Out of PS. Case No.-233 Year-2018 Thana- AMARPUR District- Banka

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AMIT KUMAR @ AMIT KUMAR TIWARI Son of Ganesh Kumar Tiwari
Resident of Village- Salempur, P.S.- Amarpur, District- Banka, at present
resident of D-222, Mata Dairy Road, P.S.- New Ashok Nagar, Vasundhara,
Enclave, East Delhi, Delhi- 110093.

... .. Petitioner/s

Versus

The State of Bihar through Officer-in-Charge, Amarpur Police Station, P.S.-
Amarpur, District- Banka.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Ajay Mukherjee
For the Opposite Party/s :	Mr.Satya Nand Shukla
	Mr. Jharkhandi Upadhyay

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 03-02-2026 Heard the parties.

2. This application has been filed for quashing the order dated 02.02.2021 passed by the learned Additional District and Sessions Judge-II, Banka in Amarpur Case No. 233 of 2018.

3. As per the prosecution case, when the police was patrolling in the evening they saw one person coming on motorcycle and when he saw the police, he turned his motorcycle but was apprehended by the police. When the police checked the motorcycle, one liter of illicit liquor was recovered from the accused.

4. It has been submitted by the learned counsel for the petitioner that the petitioner was not the owner of the



motorcycle on the date of occurrence as he has sold the same to one Anil Harijan before the occurrence. He further submits that all the documents were submitted for transfer of the motorcycle in question in the name of Anil Harijan but due to some technical issue, the same could not be transferred. He next submits that Anil Harijan has also filed an application in the Court below for release of the motorcycle.

5. Learned counsel for the petitioner further submits that the Court below has taken cognizance in the present case without applying the judicial mind.

6. Learned counsel for the State has filed counter affidavit in this case and has opposed the application of the petitioner.

7. I have heard and considered the submission of the parties.

8. Upon perusal of the materials available on record and upon the statement of the learned counsel for the petitioner that Anil Harijan has filed an application for release of the motorcycle in question, this Court is of the view that the petitioner has sold the motorcycle to Anil Harijan which was being used by him and the petitioner has no connection with alleged offence.



9. In view of the aforesaid discussions, this application is allowed.

10. Accordingly, the order dated 02.02.2021 passed by the learned Additional District and Sessions Judge-II, Banka in Amarpur Case No. 233 of 2018 is hereby quashed qua the petitioner only.

(Sandeep Kumar, J)

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