

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2069 of 2018

Arising Out of PS. Case No.-602 Year-2018 Thana- JAHANABAD District- Jehanabad

Binod Yadav S/o Firangi Yadav, R/o Mohalla- Devariya P.O., P.S. & District-
Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Department of Registration, Prohibition And Excise, Government of Bihar, Patna.
2. The Collector/District Magistrate, District Jehanabad.
3. The Ecxise Superintendent , District Jehanabad.
4. The Superintendent of Police, District- Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Paras Nath
For the Respondent/s : Mr. Vikash Kumar (Sc 11)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-09-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner is seeking provisional release of the vehicle being Bullet Motorcycle Royal Enfield Classic-350 bearing registration no. BR02AG-7490 Engine No. U355C0GM190620 Chechis No. ME3U355C1GM021967 seized in connection with Jehanabad P. S. Case No. 602 of 2018.

Learned counsel for the petitioner submits that from perusal of the seizure list it would appear that there is no recovery of illicit liquor from the vehicle in question. The illicit liquor has been recovered from one Alto Car but this vehicle has been seized along with the Car. The FIR states that the vehicle



was lying standing nearby the car. It is submitted that the seizure of the vehicle in question is in the teeth of the judgment of the Hon'ble Division Bench passed in the case of **Diwakar Kumar Singh Vs. The State of Bihar through the Principal Secretary, Excise Department & Ors.** reported in **2018 (2) PLJR 403.**

Learned counsel for the State is present.

Considering the facts and circumstances of the case, this Court would direct the provisional release of the vehicle Bullet Motorcycle Royal Enfield Classic-350 bearing registration no. BR02AG-7490 on the personal surety bond of the petitioner to the satisfaction of respondent no. 2 for the present value of the vehicle indicated in the insurance document.

Let the vehicle be released within a week after submission of the surety bond.

This application stands disposed off, accordingly.

(Rajeev Ranjan Prasad, J)

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