

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15838 of 2018

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Vinit Kumar, S/o Narayan Singh, R/o Village- Jahangirpur Salkhani, P.S.-
Mahua, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna.
2. Principal Secretary, Home, Bihar, Patna.
3. Excise Commissioner, Bihar, Patna.
4. D.M. Vaishali, Bihar.
5. S.P., Vaishali.
6. S.H.O., Mahnar P.S., Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rina Sinha
For the Respondent/s : Mr.Anil Kumar Sinha -Gal

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 20-12-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for provisional release of the
vehicle (Bolero) bearing Registration No. BR-27-B-3538, which
has been seized by the police in connection with Mahua P.S.
Case No. 23 of 2018 dated 27.01.2018 registered for the offence
under Section 414 of I.P.C. and Sections 30(a)/32(ii)/38 (ii), 41
(i) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that there is
no recovery of illicit liquor from the vehicle in question. It is
submitted that no confiscation proceeding is pending in respect



of the vehicle in question.

Considering the facts and circumstances of the case and also the judgment of the Hon'ble Division Bench in the case of **Diwakar Kumar Singh Vs. The State of Bihar through the Principal Secretary, Excise Department & Ors.** reported in **2018 (3) PLJR 403**, the court below is directed to release the vehicle in question forthwith in favour of the petitioner within a week after submission of the document showing the ownership of the vehicle and registration certificate in the name of petitioner.

Since nothing has been recovered from the vehicle, there is no question of submission of any surety bond in view of the judgment of the Hon'ble Division Bench of this Court.

This application stands disposed off, accordingly.

(Jyoti Saran, J)

(Rajeev Ranjan Prasad, J)

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