

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2767 of 2018

Arising Out of PS. Case No.-509 Year-2018 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

=====

Uttam Kumar S/o Raj Kumar Mahto Resident of Village-Khabra
(Near Khabra School) P.S. Sadar, Distt.-Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Government of Bihar, Excise Department, Patna
2. Collector ,Muzaffarpur
3. Senior Superintendent of Police, Muzaffarpur
4. Excise Superintendent ,Muzaffarpur
5. Officer-in-Charge, Sahebganj Police Station, Muzaffarpur

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.
For the Respondent/s : Mr. Vivek Prasad

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-11-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner is seeking provisional release of the vehicle (Apache RTR TVS Motor Compa Motorcycle) bearing registration no. BR06BK-3116 seized in connection with Muzaffarpur Sadar P. S. Case No. 509 of 2018 registered under Sections 414, 401/34 of the Indian Penal Code and Section 30 (A), 37 (B) of Bihar Prohibition & Excise Act, 2016.

Learned counsel for the petitioner submits that there is no recovery of illicit liquor from the vehicle in question. The liquor are said to have been recovered from the body of the



persons sitting on the motorcycle. The petitioner is the owner of the motorcycle and is not an accused in the present case

Learned counsel for the State is present.

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.

(Rajeev Ranjan Prasad, J)

avin/-

U		T	
---	--	---	--

