

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15714 of 2018

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Ishant Kumar son of Shekhar Kumar resident of Village - 49 K, Ashrali Lodge, Sri Krishna Nagar, P.S. - Budha Colony, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Excise Commissioner, Bihar Prohibition and Excise Act 2016 Patna, Bihar.
3. The Excise Officer, Bihar Prohibition and Excise Act 2016, Patna, Bihar.
4. The District Collector, District - Patna, Bihar.
5. The Superintendent of Police, District - Patna, Bihar.
6. The Officer In-Charge of Kadamkuan Police Station, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad
For the Respondent/s : Mr.Anil Kr. Sinha- Ga1

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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 (Bajaj Pulsar Motorcycle) bearing No. BR-01-DH-2819, Chasis No. MD2A12DZXGCB201125, Engine No. DJZCGB16007 which has been seized by the police in connection with Kadamkuan P.S. Case No. 239 of 2018 dated 30.04.2018 under the provisions of the offence 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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