

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2286 of 2018

Arising Out of PS. Case No.-325 Year-2016 Thana- ALAMGANJ District- Patna

Indu Devi, W/o Raj Kumar Mishra, R/o Mohalla- Gurhatta Near Police
Chouki, P.S.- Khajekalane, District- Patna.

... .. 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., Patna, Bihar.
5. S.P., Patna.
6. S.H.O., Alampur P.S., Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rina Sinha
For the Respondent/s : Mr. Vikash Kumar(Sc11)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-10-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner is seeking provisional release of the
vehicle White Bajaj V-15 Motorcycle bearing Registration No.
BR01CU-8703 seized in connection with Alamganj P. S. Case
No. 325 of 2016.

Learned counsel for the petitioner submits that
nothing has been recovered from the motorcycle and therefore,
the very seizure is illegal. The seizure has been made from bag.
It is also submitted that no notice for confiscation proceeding
has been received in respect of the vehicle.

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)

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