

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2537 of 2018

Arising Out of PS. Case No.-340 Year-2018 Thana- CHANPATIA District- West Champaran

Nand Lal Sah Son of late Mohan Sah Resident of Village-Laiya Tola
Sekhauna, P.S. Bettiah (Mufasil) Distt.-W.Champaran

... .. Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Excise Department,
Government of Bihar, Patna
2. The District Magistrate, West Champaran, Bettiah
3. The Superintendent of Police, West Champaran Bettiah
4. The S.H.O., Chanpatiya (Sirisia O.P.) Distt.-West Champaran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava
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.

Petitioner has prayed for provisional release of the
vehicle Hero Honda Passion Pro Motorcycle bearing
registration no. BR22H-6934, which has been seized by the
police in connection with Chanpatia (Sirisia O.P.) P. S. Case No.
340 of 2018 for the offence under Sections 30(a), 30 (b) and 30
(C) of the 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. The
liquor was recovered from the inside of the house, however, the
motorcycle has also been seized which was standing there. 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.

(Rajeev Ranjan Prasad, J)

avin/-

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

