

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2540 of 2018

Arising Out of PS. Case No.-339 Year-2018 Thana- CHANPATIA District- West Champaran

Bijuli Sah, Son of Kanchan Sah, Resident of Village- Baghi, P.O. Baghi, P.S.
Yogapatti, District- West 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, District- West Champaran,

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava
For the Respondent/s : Mr. Kumar Manish (Sc-5)

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 Bajaj Company PULSAR 150 Motorcycle bearing registration no. BR-22J-9297, which has been seized by the police in connection with Chanpatia (Sirisia O.P.) P. S. Case No. 339 of 2018 for the offence under Sections 30(a), 30 (b) of the Bihar Prohibition and Excise Act, 2016 and Sections 467, 468, 471 and 414 of the Indian Penal Code.

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.

(Rajeev Ranjan Prasad, J)

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