

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15449 of 2018

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Rajeev Ranjan, Son of Kamesher Prasad Singh, Resident of Village-
Kishunpur Uri Narwara, P.S.- Tariani Chowk, District- Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Collector/District Magistrate- Sitamarhi, District- Sitamarhi.
3. The Excise Deputy Commissioner, Sitamarhi.
4. The Superintendent of Police, Sitamarhi.
5. The Superintendent of Excise, Sitamarhi.
6. The S.H.O. of Majorganj (Suppi O.P.) Police Station, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar
For the Respondent/s : Mr. Vivek Prasad- GP-7

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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)

5 03-12-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for provisional release of the
vehicle (Renault T Kwid RLX 1.0 Easy-R) bearing Registration
No. JH-05CB/0629, Chassis No. MEEBBA00XHB552811,
Engine No. E099071, which has been seized by the police in
connection with Majorganj (Suppi O.P.) P.S. Case No. 288 of
2018 dated 16.07.2018 registered for the offence under Sections
279, 337, 338 of Indian Penal Code and Sections 37(i)(ii) 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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