

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2097 of 2018

Arising Out of PS. Case No.-387 Year-2018 Thana- KOTWALI District- Patna

Meena Devi @ Mina Devi, aged about 55 Years, W/o Late Surendra Nath Singh, R/o 160, Road No. 2, S.B.I. Branch, Sri Krishna Nagar, Phulwari , P.S.- Phulwari, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Director General of Police, Bihar, New Secretariat, Patna.
2. The Superintendent of of Police, Patna.
3. The Officer In Charge, P.S.- Kotwali, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Saket Tiwary
For the Respondent/s : Mr. Sheo Shankar Prasad

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-10-2018 The petitioner is the widow of the owner of the vehicle namely, Surendra Nath Singh and has filed this application seeking release of the motorcycle bearing Regd. No. BR01AY-7869 which has been seized in connection with Kotwali P. S. Case No. 387 of 2018 registered under Sections 30 (a)/38(1) (2), 6 (E) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the motorcycle was seized when it was kept standing near the hotel in front of the garage. Nothing has been recovered from the motorcycle and therefore, the very seizure is illegal. It is also submitted that no confiscation proceeding has been initiated 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's husband who is no more.

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	
---	--	---	--

