

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2202 of 2018

Arising out of Pawna P.S. Case No. 24 of 2018, District Bhojpur

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Ram Balak Singh, Son of Late Ram Autar Singh, Resident of Village-
Bhagwatipur, P.S.- Udwantnagar, District- Bhojpur.

.... Petitioner

Versus

1. The State of Bihar Through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, Bhojpur at Ara.
3. The Superintendent of Police, Bhojpur at Ara.
4. The S.H.O., Pawna Police Station, Bhojpur.
5. The Investigating Officer of Pawna P.S. Case No. 24/2018, Pawna
Police Station, District- Bhojpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dharmesh Kumar Shrivastava, Adv.

For the Respondent/s : Mr. Vivek Prasad (GP-7)

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**

ORAL ORDER

2 26-09-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Hero
Splendor + Self BSIV Motorcycle bearing Chassis
No.MBLHAR084JHA73646, Engine No.HA10AGJHA28954,
which has been seized in connection with Pawna P.S. Case No.24
of 2018 for the offence under Sections 413 and 414 of the IPC and
Sections 30(a), 36 and 44 of the Bihar Prohibition and Excise Act,
2016.

It is submitted that nothing has been recovered from



the vehicle of this petitioner. Learned counsel refers the seizure list and submits that so far as this vehicle is concerned, no recovery has been made from this vehicle. It is submitted that the seizure of the vehicle in question is in the teeth of the judgment of the Hon'ble Division Bench of this Court in the case of **Diwakar Kumar Singh Vs. The State of Bihar and Ors.** reported in **2018(3) PLJR 403.**

Learned counsel for the State is present.

Considering the facts and circumstances of the case, this Court would direct the provisional release of the vehicle Hero Splendor + Self BSIV Motorcycle bearing Chassis No.MBLHAR084JHA73646, Engine No.HA10AGJHA28954 on the personal surety bond of the petitioner to the satisfaction of the learned court below for the present value of the vehicle indicated in the insurance document.

Let the vehicle be released within a week after submission of the surety bond.

This application stands disposed off, accordingly.

(Rajeev Ranjan Prasad, J)

Arvind/Ved/-

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