

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2354 of 2018

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

Sanoj Mahto Son of Daroga Mahto Resident of Village Garabhuwa Lala Tola,
P.O. Turhapatti, P.S.Chanpatiya, 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. Vivek Prasad (Gp 7)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-10-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner is seeking provisional release of the vehicle being T.V.S. Company Apache 160 R.D. Motorcycle bearing Registration No. BR-22AD-2253 seized in connection with Chanpatia (Sirsia O.P.) P. S. Case No. 339 of 2018.

Learned counsel for the petitioner submits there is no recovery of liquor from the vehicle in question. The recovery of liquor has been attributed to another vehicle and the confiscation proceeding for the vehicle in question is said to be pending.

It is submitted that the seizure of the vehicle in



question is in the teeth of the judgment of the Hon'ble Division Bench passed 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.**

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, 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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