

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.2406 of 2018**

Arising Out of PS. Case No.-365 Year-2018 Thana- SITAMARHI District- Sitamarhi

1. Ramesh Kumar, Son of Late Nagendra Sah @ Nagendra Prasad.  
2. Anjali Devi, Wife of Ramesh Kumar,  
Both R/o Parri, P.S. & District- Sitamarhi.... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.  
2. The Collector, Sitamarhi.  
3. The Deputy Collector, Incharge, District Law Section, Sitamarhi.  
4. The Superintendent of Police, Sitamarhi.

... .. Respondents

**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Jha  
For the Respondent/s : Mr. Vivek Prasad

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

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

The petitioners are seeking provisional release of the vehicle being Pick-up Van bearing Registration No. BR-30G-9273 in favour of petitioner no. 2 and vehicle Honda Shine Motorcycle bearing Registration No. BR30E-8373 in favour of petitioner no.1 seized in connection with Sitamarhi (Punaua O.P.) P. S. Case No. 365 of 2018.

Learned counsel for the petitioners submits that no illicit liquor has been recovered from the vehicles in question and though a proceeding has been initiated for confiscation but the such confiscation proceeding is in the teeth of the judgment of the Hon'ble Division Bench of this Court 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 stated that there is no recovery from the vehicles in question.

Considering the facts and circumstances of the case and also the judgment of the Hon'ble Division Bench, this Court would direct the provisional release of the vehicles in question forthwith in favour of the petitioners within a week after submission of the documents showing the ownership of the vehicles and registration certificates in the name of the petitioners.

Since nothing has been recovered from the vehicles there is in question of submission of any surety bond in view of the judgment of the Hon'ble Division Bench of this Court.

In the interest of justice finding the admitted position that there is no recovery of illicit liquor from the vehicles in question, the confiscation case no. 500 of 2018 stands quashed.

This application stands disposed off, accordingly.

**(Rajeev Ranjan Prasad, J)**

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