

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2346 of 2018

Arising Out of PS. Case No.-89 Year-2018 Thana- MATIHANI District- Begusarai

Sunil Kumar S/o Sri Jamo Singh, R/o Sima, P.S.- Matihani, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The District Magistrate Cum Collector , Begusarai.
3. The Senior Superintendent of Police, Begusarai.
4. The Station House Officer, Matihani P.S., District- Begusarai.
5. The Investigation Officer, Matihani P.S. Case No. 89 of 2018, District- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal
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 Hero Motor Corp Splender Motorcycle bearing Registration No. BR09X-2546 seized in connection with Matihani P. S. Case No. 89 of 2018.

Learned counsel for the petitioner submits that no illicit liquor has been recovered from the vehicle in question. Presently no confiscation proceeding is pending against the vehicle in question.

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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