

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15927 of 2018

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Prem Pushkar, S/o- Dharm Raj Singh, aged about 23 years, resident of Sadhnapuri, House No. G2, P.S. Gardanibagh, Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Excise, Patna, Bihar.
2. Principal Secretary, Excise Department, Patna, Bihar.
3. District Magistrate-cum- Collector, Patna, Bihar.
4. Senior Superintendent of Police, Patna, Bihar.
5. Chandeshwar Prasad Yadav, S.H.O., P.S. Gardanibagh, District Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ravi Kumar
For the Respondent/s : Mr.Vikash Kumar- Sc11

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

3 20-12-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for provisional release of the vehicle (Apache Motorcycle) bearing Registration No. BR-01-CG-5788 and Nokia Mobile phone of Model Nokia 5 with IMEI No. 357278081125305, which has been seized by the police in connection with Gardanibagh P.S. Case No. 291 of 2018 dated 21.07.2018 registered for the offence under the provisions of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that there is no recovery of illicit liquor from the vehicle in question. It is



submitted that no confiscation proceeding is pending in respect of the vehicle in question.

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 and the above mentioned Nokia Mobile 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.

(Jyoti Saran, J)

(Rajeev Ranjan Prasad, J)

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