

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17346 of 2018

Neeraj Kumar, Son of Jagdish Singh, Residing of Village- Fatehjangpur, Post
Office- Sabalpur, Police Station- Nadi Thana, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Superintendent of Police, Patna.
4. The Excise Officer, Patna.
5. The A.S.I. of Khursurpur Police Station, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ram Naresh Ray, Advocate
For the Respondent/s : Mr. Kumar Manish -SC5

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

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 03-12-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for provisional release of the
vehicle (Motorcycle T.V.S. Apache 4V Blue White Colour)
bearing Chassis No. MD637 AE77J2 F24509 Engine No.
AE7FJ2323862, which has been seized by the police in
connection with Khusrupur P. S. Case No. 176 of 2018 dated
19.07.2018 registered for the offence under Sections 37(c), 30
(b) 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 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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