

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2410 of 2018

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

Lalu Mahto, Son of Jawahir Mahto, Resident of Village- Lala Tola,
Grabhuwa, P.O.- Turhapatti, P.S.- Chanpatiya, Sirisiya (O.P.), 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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-10-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner is seeking provisional release of the
vehicle being Hero Company Splendor Plus, Motorcycle
bearing Chasis No. MBLHAR073JHF09670 Engine No.
HA10AGHF10876 seized in connection with Chanpatia (Sirisia
O.P.) P. S. Case No. 339 of 2018.

Learned counsel for the petitioner submits that
nothing has been recovered from the motorcycle and therefore,
the very seizure is illegal. It is also submitted that no
confiscation proceeding has been initiated in respect of the
vehicle.



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 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.

(Rajeev Ranjan Prasad, J)

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