

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2458 of 2018

Arising Out of PS. Case No.-339 Year-2017 Thana- ISLAMPUR District- Nalanda

Ravindra Kumar son of Siddheshwar Prasad, R/o Gaurab Nagar, Police Station- Islampur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Excise, Govt. of Bihar, Patna.
2. The District Magistrate, Nalanda at Biharsharif.
3. The Superintendent of Police, Nalanda at Biharsharif.
4. The Deputy Superintendent of Police, Hilsa, District- Nalanda.
5. The Officer Incharge of Islampur Police Station, District- Nalanda.
6. The Investigating Officer of Islampur P.S. Case No. 339 of 2017, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh
For the Respondent/s	:	Mr. Anil Kumar Sinha (Ga1)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-10-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

As prayed for, learned counsel for the petitioner is permitted to make necessary correction in paragraph one of the application.

The petitioner is seeking provisional release of the vehicle being Hero Honda Motorcycle bearing Registration No. BR02U-3972 seized in connection with Islampur P. S. Case No. 339 of 2017.

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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