

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2556 of 2018

Arising Out of PS. Case No.-215 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

Prem Kumar Sah S/o- Ramashankar Sah R/o Village- Dindayal Nagar- Sahid
Sarai Bazar, P.S.- Siwan Town, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Excise Bihar, Patna.
2. The District Magistrate, Siwan
3. The Superintendent of Police, Siwan.
4. The Officer In-charge Muffasil- Siwan, Police Station, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary
For the Respondent/s : Mr. Vivek Prasad (Gp-7)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-10-2018 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 the synopsis with regard to Police Station Name and Engine number of the vehicle.

The petitioner is seeking provisional release of the vehicle being Hero Splendor Motorcycle bearing Chasis No. MBLHARO77JHB36827 Engine No. HA10AGHB47142 seized in connection with Muffasil Siwan P. S. Case No. 215 of 2018.

Learned counsel for the petitioner submits that the petitioner was found in drunken condition and 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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