

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2042 of 2018

Arising Out of PS. Case No.-87 Year-2018 Thana- RAJEPUR District- East Champaran

Vijay Rai @ Vijay Kumar, S/o Late Suresh Rai, R/o Village- Chakki
Rasulaganj (Mor), P.S.- Motipur, Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar, Through The Principal Secretary Excise Department,
Government Of Bihar, Patna & Ors

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Respondent/s : Mr. Kumar Manish (Sc 5)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 09-10-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner is seeking provisional release of the
vehicle being TVS APACHE RTR 160 Motorcycle bearing
Chasis No. MD634BE4XH2L10710 Engine No.
BE4LH2209419 seized in connection with Rajepur P. S. Case
No. 87 of 2018.

Learned counsel for the petitioner submits that from
the self statement of S.I. on the basis of which the present FIR
has been lodged it will appear that the illicit liquor has been
recovered from Scorpio. So far as the present case is concerned,
it has been filed for release of the motorcycle from which no
illicit liquor has been recovered. 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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