

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2381 of 2018

Arising Out of PS. Case No.-356 Year-2017 Thana- BATHNAHA District- Sitamarhi

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Ram Snehi Mahto @ Ram Sanehi Mahato S/o Ram Bahadur Mahto, R/o
Sangram Fandah, Riga, P.S.- Riga, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Registration Excise & Prohibition Department Government of Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The Superintendent of Excise, Sitamarhi.
4. The Superintendent of Police, Sitamarhi.
5. The Vehicle Inspector, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Jha
For the Respondent/s	:	Mr. Anil Kumar Sinha (Ga-1)

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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.

Petitioner has prayed for provisional release of the vehicle Motorcycle Hero Glamour bearing registration no. BR-06AP-6154, which has been seized by the police in connection with Bathnaha P. S. Case No. 356 of 2017 for the offence under Section 30(A) of the Bihar Prohibition and Excise Act, 2016 and Sections 272, 273/34 of the Indian Penal Code.

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.

(Rajeev Ranjan Prasad, J)

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