

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15615 of 2018

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Chandan Sharma Son of Dilip Sharma resident of Village : Siradepatti, P.S.
Saharsa, District : Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The Home Secretary, Department of Home, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Inspector General of Police, Saharsa.
5. The Deputy General of Police, Saharsa.
6. The Commissioner Koshi Division, Saharsa.
7. The District Magistrate, Saharsa.
8. The Superintendent of Police, Saharsa.
9. The Deputy Superintendent of Police, Saharsa.
10. The S.H.O. Sour Bazar Police Station, District Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Respondent/s : Mr.Anil Kumar Sinha - Gal

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 20-12-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for provisional release of the
vehicle (Hero Glamour Motorcycle) bearing No. BR-19M-1204,
Chesis No. MBLJASO57HGMD0469, Engine No.
JAO6ERHGMO3033 which has been seized by the police in
connection with Sour Bazar P.S. Case No. 295 of 2018 dated
20.05.2018 registered for the offence under Section 30 (a) of



Bihar Prohibition and Excise Act, 2016.

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.

(Jyoti Saran, J)

(Rajeev Ranjan Prasad, J)

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