

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16231 of 2018

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Arun Kumar Mandal S/o Rajendra Prasad Mandal, R/o Village- Kumaripur,
P.S.- Manihari, District- Katihar (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Excise Department, Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Katihar.
3. The Superintendent of Police, Katihar.
4. District Supply Officer, Katihar.
5. The S.H.O., Manihari, District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sah @ Baranwal
For the Respondent/s : Mr. Vikash Kumar- SC-11

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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 03-12-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for provisional release of the
vehicle (Super Splendor Motorcycle) bearing No. BR-
39X/1719, which has been seized by the police in connection
with Manihari P.S. Case No. 81 of 2018 dated 08.04.2018
registered for the offence under Sections 279, 337, 338 of I.P.C.
and 37 (b) 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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