

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2541 of 2018

Arising Out of PS. Case No.-70 Year-2017 Thana- THARTHARI District- Nalanda

Mahendra Ravidas, Son of Bishundeo Ravidas, Resident of Village and P.O.-
Diha, P.S.- Tharthari, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The District Magistrate, Nalanda.
3. The Superintendent of Police, Nalanda.
4. The Sub-Divisional Police Officer, Hilsa at Nalanda.
5. The Station House Officer, Officer-in-Charge, Tharthari, Police Station, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bijay Kumar Pandey
For the Respondent/s	:	Mr. Vivek Prasad (Gp7)

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.

The petitioner is seeking provisional release of the
vehicle Hero Passion Pro Motorcycle bearing Registration No.
BR-21N-3985 seized in connection with Tharthari P. S. Case
No. 70 of 2017.

Learned counsel for the petitioner submits that the
petitioner was found in drunken condition and no illicit liquor
has been recovered from the vehicle in question. 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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