

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1114 of 2019

=====

Suraj Ram, S/o Shankar Ram, Resident of Vill. Imlighar, Bramasthan, P.O. Lalbagh, P.S. Darbhanga (Town), District – Darbhanga (Bihar).

... .. Petitioner/s

---Versus---

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
3. The District Magistrate-cum-Collector, Darbhanga, District Darbhanga.
4. The Superintendent of Excise, Darbhanga.
5. The Superintendent of Police, Darbhanga.
6. The Officer in-Charge, Darbhanga (Sadar) P.S., District–Darbhanga (Bihar)

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra
For the Respondent/s : Mr. Anil Kr.Sinha - GA1

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 15-01-2019

Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner prays for provisional release of the Yamaha Fascino Scooter bearing Registration No. BR-07V-5963, which has been seized in connection with Darbhanga (Sadar) P.S. Case No. 35 of 2018 for the offences punishable under Sections 401, 272, 273, 201, 414 of the Indian Penal Code and section 30(a)/36/41 of the Bihar Prohibition and Excise Act.

It is stated by learned counsel for the petitioner that



confiscation proceeding is yet to be initiated and the vehicle is lying under the open sky in the police station. Learned counsel for the petitioner further submits that a vague seizure list was prepared with no details of the seizure, except that a carton was tied with the scooter. The petitioner has specifically pleaded in paragraph-8 that no recovery, in fact, has been made from the vehicle.

Having heard learned counsel for the parties and taking note of the nature of seizure made as well as the fact that the confiscation proceeding is yet to be initiated, we direct that the vehicle in question be released forthwith within a fortnight in favour of the petitioner on production of ownership and registration with respect to vehicle in question in his name before the court below.

This writ petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.01.2019
Transmission Date	NA

