

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1371 of 2019

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Rohit Lal Dev aged about 23 years (Male), S/o Ravindra Lal Dev, resident of Vill.-Biuni, Bahadurpur, P.S. Bahadurpur, Dist.-Darbhanga.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Bihar Prohibition and Excise, Bihar, Patna.
2. The Collector-cum-District Magistrate, Darbhanga at Laheriasarai.
3. The Senior Superintendent of Police, Darbhanga at Laheriasarai.
4. The Officer in Charge of Bahadurpur (Patour O.P.) P.S., Dist.-Darbhanga.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Das, Adv.
For the Respondent/s : Mr. Vikash Kumar, SC-11.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 17-05-2019

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

The petitioner prays for provisional release of the Scorpio bearing registration No. BR-07PB-6801, which has been seized in connection with G.O. Case No. 1103/18 arising out of Bahadurpur (Patour O.P.) P.S. Case No. 537/18 for the offences punishable under sections 30(a)/32(2)/41(1) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner in reference to the seizure list submits that recovery is made from the premises of Shiv Mandir and since the vehicle in question was standing there that on suspicion it has



been seized. He submits that there is no recovery from the vehicle in question which is confirmed from the seizure list.

Having heard learned counsel for the parties and taking note of the legal positions settled by this Court 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, we direct for release of the vehicle in question in favour of the petitioner within a week on furnishing/production of the document showing the ownership of the vehicle and registration certificate in the name of the petitioner supporting the claim of the petitioner before the designated court below because neither the F.I.R. nor the seizure list reflects any reason for proceeding to be continued against the motorcycle in question.

Since nothing has been recovered from the motorcycle, there is no question of submission of any surety bond in view of the judgment of the Hon’ble Division Bench of this Court.

With the observations/directions above, this writ petition is allowed.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

Anjula/Surendra

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.06.2019
Transmission Date	NA

