

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1333 of 2019

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Manoj Kumar Raut Gauri Shankar Raut, Resident of Village- Mani Fulkahan
Raksha Kanti, P.S.- Kanti District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors Bihar.
2. The Principal Secretary Excise and Registration Department, Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Senior Superintendent of Police, Muzaffarpur.
5. The Officer-in-Charge, Karja Police Station, Muzaffarpur.
6. The Investigation Officer, Karja Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumari Sujata Sinha, Adv.
For the Respondent/s : Mr.Vivek Prasad, GP7

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 23-01-2019

Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for provisional release of the
vehicle (Motorcycle) bearing Registration No. BR06-BA8991,
which has been seized by the police in connection with Karja P.S.
Case No. 207 of 2018 dated 11.04.2018 registered for the offence
under Sections 341,323,506,504 and 34 of the Indian Penal Code
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 is allowed accordingly.

(Jyoti Saran, J)

(Nilu Agrawal, J)

Bibhash/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	06.02.2019
Transmission Date	NA

