

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.790 of 2019

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Anil Kumar @ Anil Kumar Singh, Son of Jagdish Singh, resident of Village-
Sahapur Chai Tola, P.O. and P.S. Sonepur, District-saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition
Department Government of Bihar, Patna.
2. The District Magistrate, Saran, Chapra.
3. The Superintendent of Excise, Saran.
4. The Officer Incharge, Sonepur Police Station District-saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jain, Adv.
For the Respondent/s : Mr. Vivek Prasad, GP-7

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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 : 06-05-2019

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

The petitioner prays for provisional release of his
motorcycle bearing Registration No.BR31U-6816, which has been
seized in connection with Sonepur P.S. Case No.627 of 2018
(District- Saran) for the offences punishable under sections 420/34 of
the Indian Penal Code read alongside the provisions of section 30(a)
of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the
recovery of liquor is from the Tempo bearing Registration No.BHR-
1BX-6207 and not from the motorcycle of the petitioner as also
mentioned in the seizure list. Undisputedly, there is no recovery from
the motorcycle as it is also 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 14 days 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 as because neither the F.I.R. nor the seizure list reflects any reason for proceeding to be continued against the vehicle in question.

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.

With the observation above, this writ petition is allowed.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

skpathak/-

AFR/NAFR	NAFR
CAV DATE	NA
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