

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17230 of 2018

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Nandlal Sah son of Late Sita Ram Sah, resident of Village- Sirauna, P.S.-
Sikarganj, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna
3. The Collector-Cum- District Magistrate, East Champaran, Motihari.
4. The Superintendent of Police, East Champaran, Motihari.
5. The Superintendent of Excise, East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Respondent/s : Mr. Kumar Manish- SC5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 18-02-2019

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

The petitioner prays for provisional release of the
Motorcycle bearing Registration No. BR05K5136, which has
been seized in connection with Kotwa P.S. Case No. 45 of 2018
for the offences punishable under sections 272, 273 of the
Indian Penal Code and sections 30(a), 35(b) 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 as per seizure list attached to the F.I.R., 1.290 liters of country made liquor was recovered from the jacket of one Ashutosh Kumar, not from the petitioner. He submits that even when no recovery has been made from the vehicle in question, yet it has been seized.

Learned counsel for the State is not in a position to dispute the above submission.

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 in favour of the petitioner forthwith and within a fortnight on production of the ownership and registration with respect to vehicle in question in his name before the designated Court below.

The writ petition is allowed.

(Jyoti Saran, J)

Shailendra/-

(Arvind Srivastava, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.02.2019
Transmission Date	NA

