

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17575 of 2018

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Srikant Yadav S/o Hridaya Yadav, R/o Fulwaria Makariar, P.S.-Mairwa,
District-Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate-Cum-Collector, Siwan,
3. The Excise Commissioner, Bihar, Patna.
4. The Superintendent of Excise, Siwan.
5. The Superintendent of Police, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Adv.
For the Respondent/s : Mr. Vikash Kumar -Sc11

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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
representing the State.

Petitioner has prayed for provisional release of the Hero
Motorcycle Splendor Plus bearing registration No. BR29AD8145, Chasis
No. MBLHAR076JHC00050 and Engine No. HA10AGJHB64220 which has
been seized by the police in connection with Mairwa P.S. Case No. 199 of
2018 registered for the offence under Sections 272, 273/34 of the Indian
Penal Code and Sections 30, 38 and 41 of the Bihar Prohibition and Excise
Act, 2016.

Learned counsel for the petitioner submits that though
recovery of 375 M.L. IMFL has been made from the possession of Ajit



Kumar and similar recovery of 375 M.L. IMFL has been made from Bipin Kumar but no recovery is made from the motorcycle 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. That 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 the petitioner.

This writ petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

brajesh/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

