

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.728 of 2019

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Prem Prakash Singh, Son of Dhanushdhari Singh, Resident of Village- Torni,
P.S. Kargahar, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Excise,
Govt. of Bihar, Patna.
2. The District Magistrate, Kaimur, District- Kaimur at Bhabua.
3. The Superintendent of Police, Kaimur, District- Kaimur at Bhabua.
4. The Distinct Excise Officer Kaimur, District- Kaimur at Bhabua.
5. The S.H.O. Chand Police Station, District- Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramchandra Singh
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 Suzuki
Motorcycle bearing Registration No.BR24M4601, Chasis No.
MB8NF4HDL809939 and Engine No.F4E1181143 which has been
seized in connection with Chand P.S. Case No.131 of 2018 (District-
Kaimur) for the offences punishable under section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

It is stated by learned counsel for the petitioner that there is
no recovery from the vehicle of the petitioner although the recovery
was from the bag kept by the side of the vehicle. Undisputedly, there
is no recovery from the vehicle 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
Uploading Date	20.05.2019
Transmission Date	NA

