

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.934 of 2019

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Pramod Sah son of Rambriksh Sah @ Ramvrijha Sah Resident of Village-
Bharwara, P.S. Sindhwarra (Singhwara), District- Darbhanga.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate, Darbhanga.
3. The Superintendent of Police, Darbhanga.
4. The Officer Incharge of Sindhwarra (Singhwara) Police Station, Sindhwarra, Purnea.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Prakash Mahto
For the Respondent/s : Mr. Anil Kr.Sinha

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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 : 10-05-2019

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

The petitioner prays for provisional release of his Bolero
Pick Up Vehicle bearing registration No. BR-07GA-7050 which has
been seized in connection with Sindhwarra (Singhwara) P.S. Case No.
171/2018 for the offences punishable under Section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2016.

Learned counsel for the petitioner submits that although
there is huge recovery of Indian made foreign liquor but that is from
the godown as manifest from the seizure list and not from the vehicle



in question. It has been specifically mentioned that the vehicle was empty.

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 a week 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 because neither the F.I.R. nor the seizure list reflects any reason for proceeding to be continued against the motorcycle in question.

Since nothing has been recovered from the motorcycle, 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 observations/directions above, this writ petition is allowed.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.05.2019
Transmission Date	NA

