

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1966 of 2019**

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1. Ravindra Kumar Singh.
2. Vijay Singh @ Vinay Singh  
Both sons of Sri Bhagwan Singh, Resident of Village- Bistrampur, P.O. Baraon (Garh Nokha), P.S. Bokha, District Rohtas, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas.
3. The S.H.O. Nokha, Rohtas.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Rajesh Kumar Singh |
| 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 : 04-02-2019**

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

The petitioner prays for provisional release of the Pick-up Van bearing Registration No. BR-26C-5377, Engine No.GGAAID31158, Chassis No.MAIZN2GGAAID 32753, which has been seized in connection with Nokha P.S. Case No.177 of 2016 for the offences punishable under sections 47 of the Bihar Prohibition and Excise Act, 2016 and Sections 467/468 and 120B of the Indiana Penal Code.

Learned counsel for the petitioners submits that for the alleged recovery of 3300 litres of foreign wine from the house that not only the house of the petitioners but also the vehicle in question which was standing outside, has been seized despite no recovery made from the vehicle.



It is stated by learned counsel for the petitioners that the confiscation proceeding is pending and the vehicle is lying under the open sky in the police station. The seizure list supports the seizure of the Pick-up Van and 3300 litres of Indian made foreign liquor from the house.

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 pending, we direct that the vehicle in question be released forthwith in favour of the petitioners on production of ownership and registration papers with respect to vehicle in question before the court below.

The release shall be allowed within a period of 14 days from the date of production of ownership/registration papers supporting the claim of the petitioners.

With the observations above, this writ petition is allowed.

**(Jyoti Saran, J)**

**( Arvind Srivastava, J)**

Anjula/Skpathak

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| AFR/NAFR          | NAFR       |
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