

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23977 of 2018

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Ajeet Kumar @ Ajeet Kumar Singh, son of Munna Singh, resident of village-
Bhokhari, P. S.- Mohania, District Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The District Magistrate cum Collector, Kaimur at Bhabua.
3. The Superintendent of Police, Kaimur at Bhabua.
4. The Excise Superintendent Patna.
5. The Officer-In-charge Ramgarh Police Station.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Adv.
For the Respondent/s : Mr. Madan Mohan, AC to SC-5.

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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 : 26-04-2019

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

The petitioner prays for provisional release of his
Apache Motorcycle bearing registration No. BR45H4306,
Chasis No. MD634CE60H2DO8619, Engine No.
CE6DH2008933 along with Android Mobile set of Oppo
Company bearing IMEI no. 86,4625035605491, 8646250,
35605383 which has been seized in connection with Ramgarh
P.S. Case No. 223 of 2018 (District- Kaimur) for the offences



punishable under sections 30(a), 38(i), 56(d) of the Bihar Prohibition and Excise Act, 2016.

It is submitted by learned counsel for the petitioner that there is no recovery from the vehicle and on suspicion that he was acting as a informer of the consignment of liquor that the vehicle and mobile phone have been seized.

Mr. Madan Mohan learned Assisting Counsel to Standing Counsel No.5 while accepting that no recovery was made from the vehicle submits that the petitioner was a part of the syndicate involved in this illegal trade. 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 and the mobile phone in question in favour of the petitioner within 14 days on furnishing/production of the document showing the ownership of the vehicle and the mobile phone 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 and mobile phone 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)

Anjula/skpathak

AFR/NAFR	NAFR
CAV DATE	NA
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