

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24239 of 2018

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Rajendra Prasad, S/o Late Manejar Ram, Resident of Mohalla- Ward No.-9,
Musafirganj, P.S.- Buxar (Town), District- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department at Patna
2. The Divisional Commissioner, Excise Department, Patna Division at Patna
3. The District Collector, Buxar at Buxar
4. The Superintendent of Police, Buxar at Buxar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Gupta, Advocate
For the Respondent/s : Mr.Vikash Kumar

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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. BR44F-2036,
which has been seized in connection with Sikraul P.S. Case No.
100 of 2018 for the offences punishable under Sections 30(a),
41(1) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that no
recovery was made from the motorcycle which was seized on



mere suspicion. He further submits that some recovery was made from another motorcycle but not from the motorcycle of the petitioner.

Learned counsel for the State informs that the petitioner is a part of the nexus who was guiding the liquor-loaded vehicle.

In view of the admitted position that no recovery was made from the vehicle of the petitioner, having heard learned counsel for the parties and taking note of the legal position 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 fortnight, 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 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 this observations/directions above, this writ
petition is allowed.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

Nasimul/mrl.

AFR/NAFR	NAFR
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