

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.989 of 2019

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Raushan Kumar @ Raushan Kumar Das, Son of Shyam Sundar Das, Resident of Village-Sursand East, Ward no.-7, Police Station-Sursand, District-Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Resident of Village-Sursand East, Ward No.7, Police Station-Sursand, District-Sitamarhi
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Collector-Cum-District Magistrate, Sitamarhi.
4. The Superintendent of Excise, Sitamarhi.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh
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 Hero Glamour motorcycle bearing registration No. BR 07W-1767, Chassis No. MBLJA06MG9B00195 and Engine No. JA06EJG9B00313 which has been seized in connection with Complaint Case No. C-2/72 of 2018 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

It is submitted that the allegation of recovery is against two persons riding the motorcycle of the petitioner. It is argued that there is no recovery from the motorcycle as is also confirmed from



the seizure list. The recovery is made from the possession of the accused persons.

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	22.05.2019
Transmission Date	NA

