

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4372 of 2019

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Birchandra Kumar (Male), aged about 24 years, S/o Lakhan Singh, Resident of Vill.-Mathurachak, P.o.-Mathura Sultanpur, P.S.-Bidupur, Distt.-Vaishali-844115

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate Vaishali at Hajipur
3. The District Excise Officer Vaishali at Hajipur
4. The Superintendent of Police Vaishali at Hajipur
5. The Deputy Superintendent of Police Vaishali at Hajipur
6. The Officer-in-Charge Bidupur Police Station, Dist.-Vaishali at Hajipur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur
For the Respondent/s : Mr. Vikash Kumar (SC11)

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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 : 14-03-2019

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

The petitioner prays for provisional release of the Hero Honda Glamour Motorcycle bearing Registration No. BR31Z-0288, which has been seized in connection with C-2A Case No. 118 of 2018 for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the allegation is that the motorcycle was standing at the place where recovery of huge amount of liquor was made. He submits that the seizure list confirms that no recovery was made from



the motorcycle in question, except that it was being used for the illegal purposes. He submits that no notice as yet has been received regarding the initiation of confiscation proceedings.

Learned counsel for the State is not in a position to contest the submission of learned counsel for the petitioner.

Having heard learned counsel for the parties and taking note of the statutory provision and the fact that no recovery is made from the motorcycle in question, we direct that the vehicle in question be released in favour of the petitioner on production of ownership and registration papers with respect to vehicle in question in his name before the designated Court below.

The writ petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.04.2019
Transmission Date	NA

