

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4757 of 2019

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Nirbhay Kumar Son of Shakaldeo Rai Resident of Village-Govindpur
Jhakraha, P.O.-Chak Sikandar, P.S.-Rajapakar, District Vaishali-844115

... .. Petitioner/s

Versus

1. The State of Bihar and Ors through the Principal Secretary, Excise Department.
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, District Vaishali at Hajipur

... .. Respondent/s

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Appearance :

For the Petitioner/s : None.
For the Respondent/s : Mr.Vivek Prasad (Gp7)

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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 : 29-03-2019

None appears on behalf of the petitioner.

This application has been filed seeking provisional release of the Motorcycle (Hero Honda Splendor Pro) bearing Registration No. BR-31L-9390 which has been seized in connection with C-2 Case No. 118 of 2018 for the offence punishable under Sections 30(a) and 37(b)(c) of Bihar Prohibition and Excise Act, 2016.



Learned counsel for the State informs that the F.I.R. does not indicate any recovery of liquor from the motorcycle in question which was parked besides the truck loaded with illegal liquor. It is also informs that no confiscation proceeding is pending in respect of the vehicle in question.

Considering the facts and circumstances of the case and also the judgment of the Hon'ble Division Bench 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***, the designated court below is directed to release the vehicle in question forthwith in favour of the petitioner within a week after submission of the document showing the ownership of the vehicle and registration certificate in the name of the petitioner.

This writ petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Brajesh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	09.04.2019
Transmission Date	

