

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3979 of 2019

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Dhananjay Sah @ Dhananjay Kumar Sah S/o Satrugan Sah, R/o Village bankat, Ps Bhagwanpur Hatt, District-Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Excise Department, New Secretariat, Patna
2. The District Magistrate-Cum-Collector Siwan
3. The Superintendent of Police Siwan
4. The Excise Superintendent Siwan
5. The Station House Officer, PS Bhagwanpur Hatt, District Siwan
6. The investigating Officer PS Case no 49/2018 of Bhagwanpur Hatt PS, Siwan

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandra Kant
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 : 07-03-2019

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

The petitioner prays for provisional release of the Yamaha Motorcycle bearing Registration No. BR24SO257, which has been seized in connection with Bhagwanpur Hatt P.S. Case No. 49 of 2018 for the offences punishable under sections 272, 273, 308 of the Indian Penal Code and sections 30(A), 41(I) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the motorcycle of the petitioner has been seized merely on suspicion and even confiscation proceeding has been initiated. In



fact, nothing has been recovered from the motorcycle in question. The alleged recovery of 15.270 liters of IMFL is from an Alto Car. It is submitted that the motorcycle is lying under the open sky in the Bhagwanpur Hatt Police Station, Siwan.

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 considering the fact that no recovery was made from the motorcycle in question, we direct that the vehicle in question be released within a fortnight in favour of the petitioner on production of ownership and registration with respect to vehicle in question in his name before the District Magistrate-cum-Collector, Siwan.

The writ petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
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