

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3315 of 2019

Ashok Sahani @ Ashok Sahni (Male) aged about 34 years, S/o Mahendra Sahani, R/o Vill. Manikpur, P.S. Meenapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Excise Commissioner, Bihar, Patna.
4. The District Magistrate-cum-Collector, Muzaffarpur.
5. The Superintendent of Police, Muzaffarpur.
6. The S.H.O., Meenapur Police Station, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Karn
For the Respondent/s : Mr. Kumar Manish (SC5)

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 28-02-2019

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

The petitioner prays for provisional release of his Hero (H.F.Delux) motorcycle bearing registration No. BR06BH 1682, Chassis No. MBLHAR23XH4D18226, Engine No. HA11ENH4D21791, which has been seized in connection with Meenapur P.S. Case No. 525 of 2018 for the offences punishable under the 272/273 of the Indian Penal Code read along with side provisions of section 30(a)/38/41/48 of the Bihar Prohibition and Excise Act, 2016.

It is stated by learned counsel for the petitioner that the vehicle is lying under the open sky in the Meenapur



Police Station at Muzaffarpur. Learned counsel for the petitioner further submits that seizure is made from *Palani*, not from the motorcycle of the petitioner and despite absence of any recovery from the motorcycle, it has been seized.

Learned counsel appearing on behalf of 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 forthwith in favour of the petitioner on production of ownership and registration 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	12.03.2019
Transmission Date	NA

