

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17159 of 2018

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Ram Chhabila Sharma S/o Late Satya Narain Sharma, R/o Village Pipra Tola
Sundarpur, P.O. P.S. Nautan, District Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, New Secretariat, Patna.
2. The District Magistrate-cum-Collector Siwan.
3. The Superintendent of Police Siwan.
4. The Excise Superintendent officer, Siwan.
5. The Station House Office, Nautan Police Station, District Siwan.
6. The Investigating Officer P.S. Case No. 83/2018 of Nautan P.S. District-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 : 04-02-2019

Heard learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

The petitioner prays for provisional release of the

Vehilce Hero Honda Splendor-I smart bearing Registrtion No.

BR29Y 6573, which has been seized in connection with Nautan

P.S. Case No. 83 of 2018, District - Siwan, for the offences

punishable under sections 273, 273, 308 of the Indian Penal

Code and section 30(a) and 41(i) of the Bihar Prohibition and

Excise Act.

It is stated by learned counsel for the petitioner



that confiscation proceeding is yet to be initiated and the vehicle is lying under the open sky in the Police Station. Learned counsel for the petitioner further submits that it is from the pocket of one Awadhesh Yadav that 200 ml. I.M.F.L. has been recovered but nothing has been recovered from the motorcycle of the petitioner as per the seizure list.

Learned counsel for the State, Mr. Vivek Prasad, G.P.7, 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 nature of seizure made as well as the fact that the confiscation proceeding is yet to be initiated, 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 Officer-in-charge of the Nautan Police Station.

The writ petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Shailendra/-

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

