

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16895 of 2018

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Rohit Singh Son of Laxman Singh R/o Village- Santh, P.S. Itarhi, District-
Buxar, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Excise Commissioner, Prohibition Excise and Registration
Department, Government of Bihar, Patna
3. The District Magistrate, Buxar.
4. The Superintendent of Police, Buxar.
5. The Officer in Charge, Policen Station- Dumraon, District- Buxar.

... .. 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 : 25-02-2019

This application has been filed seeking provisional release of
the T.V.S. Apache Motorcycle bearing Registration No. BR-44J-8609,
Chasis No. MD634CE64J2E14321 and Engine No.CE6EJ2X14005 which
has been seized in connection with Dumaraon P.S. Case No. 205 of 2018
for the offence punishable under Section 30(a) and 41(i) of Bihar
Prohibition and Excise Act, 2016.

None appears on behalf of the petitioner.

Learned counsel for the State is present and submits that
vehicle in question was standing at the place where liquor was being
unloaded from the Pick Up Van, the details of which can be seen in the



seizure list as well as in the F.I.R. She submits that vehicle was without number plate but admits that there is no recovery from the motorcycle in question. She further informs that confiscation proceeding with respect to the vehicle in question is pending.

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***, where there is no recovery from the vehicle in question, the District Magistrate, Buxar is directed to release the vehicle in question in favour of the petitioner within fourteen (14) days on production of the document showing the ownership of the vehicle and registration certificate in the name of the petitioner, if not already released.

With the observations, this writ petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

brajesh/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

