

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17264 of 2018

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Manish Kumar, Son of Sri Shailendra Singh, R/o Village- Kutri, P.S.- Warsaliganj, P.O.- Naromurar, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration Prohibition and Excise, Government of Bihar, Patna.
2. The Excise Superintendent, Nalanda.
3. The District Magistrate, Nalanda.
4. The S.H.O.-cum-Thana-in-Charge, Giriyak, Katari Sarai, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Kr. Pandey, Advocate
For the Respondent/s : Mr.Anil Kr. Sinha- GA1

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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 : 18-02-2019

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

The petitioner prays for provisional release of the Red Honda CB Shine Motorcycle bearing Registration No. BR-21-Q-1794, which has been seized in connection with Giriyak, Katari Sariya P.S. Case No. 287 of 2018 for the offences punishable under sections 30(a), 38 and 41 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. In fact, nothing has been recovered from the



motorcycle in question. The alleged recovery of 585 liters of IMFL is from the Pick-up Van. The motorcycle is lying under the open sky in the Giriyak, Katari Sariya Police Station, Nalanda.

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 forthwith and 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 designated Court below.

The writ petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

shailendra/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	26.02.2019
Transmission Date	N/A

