

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4162 of 2019

Navin Kumar Basak Son of Anay Kumar Basak, Resident of Village-
Bahadurganj, P.S. Bahadurganj, District-Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Registration, Excise and Prohibition Department, Government of Bihar Patna
2. The District Magistrate-Cum-Collector Kishanganj
3. The Supetintendent of Police Kishanganj
4. The S.H.O. Bahadurganj Police Station, Bahadurganj, Kishanganj

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh
For the Respondent/s : Mr.Vivek Prasad (GP7)

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 11-03-2019

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

The petitioner prays for provisional release of
the Bajaj Pulsar 150 Motorcycle bearing Chessis No.
MD2A113Y5JRH00373, Engine No. DHYRJH70080, which
has been seized in connection with Bahadurganj P.S. Case No.
09 of 2019 for the offence punishable under sections 30(a) 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 as per seizure list attached to the F.I.R., 540 ml. of IMFL has been recovered from the possession of riders, not from the petitioner, who is the owner of the vehicle. Petitioner is not named in the First Information Report. He also submits that even when no recovery has been made from the vehicle in question, yet it has been seized.

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 designated Court at Kishanganj.

The writ petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
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