

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3433 of 2019

=====

Raushan Kumar S/o Bambam Sah Resident of Village- Balha, Ward No.- 8,
Katarmala, P.S.- Dandari, District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar and Ors through its Principal Secretary, Excise Department at Patna
2. The Divisional Commissioner, Excise Department, Munger Division at Munger
3. The District Collector, Begusarai at Begusarai
4. The Superintendent of Police, Begusarai at Begusarai

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Adv.

For the Respondent/s : Mr.Vikash Kumar (SC-11)

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 28-02-2019

Leave is granted to learned counsel for the petitioner to make correction in paragraph-1 of the writ petition during course of the day.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner prays for provisional release of the Motorcycle (TVS Jupiter Scooty) bearing Registration No. BR-09Z-3945, Engine No. EG4NH1X31480, Chasis No. MD626EG44H1N21833 which has been seized in connection



with Muffasil P.S. Case No. 36 of 2019 for the offence punishable under Section 414 and 29 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is stated by learned counsel for the petitioner that no confiscation proceeding has been initiated and the vehicle in question is lying under the open sky in the police station.

He further informs that it is because from the premises where several trucks heavily loaded with liquor prohibited under the Bihar Prohibition and Excise Act to the tune of 1175.82 litres of IMFL have been seized and since the scooty in question which was standing within the same premise that it has been seized even in absence of any recovery therefrom. Learned counsel refers to the seizure list attached to the F.I.R.

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***, the court below is directed to release the vehicle in question forthwith in favour of the petitioner within 14 days on production of the document showing the



ownership of the vehicle and registration certificate in the name of the petitioner.

With the observations above, this writ petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

brajesh/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

