

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4480 of 2019

=====

Amir Ali aged about 25 years, Male, S/o Gappu Gaddi @ Pappu Ali, R/o Mohania, ward no.9, P.S.- Mohania, Distt.- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Bihar Patna.
2. The Director General of Police Bihar Patna.
3. The District Magistrate Cum Collector Kaimur at Bhabua.
4. The Senior Superintendent of Police Kaimur at Bhabua.
5. The Station Head Officer P.S.- Durgawati, Kaimur at Bhabua.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan
For the Respondent/s : Mr. Kumar Manish (SC5)

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 14-03-2019

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

The petitioner prays for provisional release of TVS Apache Motorcycle bearing Registration No. BR45J-8984, Chasis No. MD634KE46G2K30769, Engine No. OE4KG2076325, which has been seized in connection with Durgawati P.S. Case No. 393 of 2018 corresponding to Excise Case No. 1036 of 2018 instituted for the offences punishable under sections 30(A)/56(b) 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 as nothing has been recovered from the motorcycle in question. In reference to the seizure list, he submits that the recovery of 25 liters 180 ml. of IMFL is from NH-2, near Kulharia More. Further submission is that the motorcycle is lying under the open sky in the Police Station and no confiscation proceeding has been initiated.

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 as manifest from records that no recovery was made from the motorcycle in question, we direct that the vehicle in question be released by the designated Court below in favour of the petitioner on production of ownership and registration with respect to vehicle in question in his name within a fortnight of production of the ownership papers.

The writ petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.03.2019
Transmission Date	NA

