

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6845 of 2019

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Baijanath Yadav, aged about 46 years, Gender (Male), Son of Shri Vishnudev Yadav, Resident of Village- Akonma, P.S. Hasanpur, District- Samastipur, Bihar 848206.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Excise, Bihar, Patna.
2. The District Magistrate-cum- Collector, Samastipur.
3. The Superintendent of Police, Samastipur.
4. The Sub- Division Police Officer, Samastipur.
5. The Sub Division Officer, Samastipur.
6. The SHO., Singhia Police Station, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Aaruni Singh, Advocate
For the Respondent/s : Mr.Vikash Kumar (SC11)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 16-05-2019

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

The petitioner prays for provisional release of his GCL Glamour Motorcycle bearing registration No. BR09T-5722, Chassis No. MBLJA06AMG9B07311, Engine No. JA06EJG9B07491, which has been seized in connection with Singhia P.S. Case No. 12 of 2018 for the offences punishable



under Sections 30(a), 38(1), 38(2) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the motorcycle in question is of escorting and that it was being used to escort liquor on the loaded vehicle but there is no recovery from the vehicle in question. The position is not disputed by the learned counsel for the State counsel.

Having heard learned counsel for the parties and taking note of the legal positions settled by this Court 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**, we direct for release of the vehicle in question in favour of the petitioner within a fortnight, on furnishing/production of the document showing the ownership of the vehicle and registration certificate in the name of the petitioner supporting the claim of the petitioner before the Designated Court below because neither the F.I.R. nor the seizure list reflects any reason for proceeding to be continued against the vehicle in question.

Since nothing has been recovered from the vehicle, there is no question of submission of any surety bond in view of the judgment of the Hon'ble Division Bench of this Court.



With this observations/directions above, this writ
petition is allowed.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

Nasimul/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10-06-2019
Transmission Date	N/A

