

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6398 of 2019

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Munna Rai @ Munna Kumar, Male, aged about 27 years, S/o Ramlakhan Rai,
Resident of Village-Suapakar, P.S. Musrigharari, District-Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna
2. The Excise Commissioner, Government of Bihar, Patna
3. The District Magistrate, Samastipur
4. The Senior Superintendent of Police, Samastipur
5. The Excise Superintendent , Samastipur.
6. The Station House Office, Musrigharari, P.S. District-Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate

For the Respondent/s : Mr.Vivek Prasad (GP7)

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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 : 07-05-2019

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

The petitioner prays for provisional release of his



Bullet motorcycle bearing registration No. BR33X2246, which has been seized in connection with Musrigharari P.S. Case No. 106 of 2018 for the offences punishable under Sections 272, 273 Indian Penal Code read along with side provisions of Sections 47 and 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is stated by learned counsel for the petitioner that there is no recovery from the vehicle as it is also confirmed from the seizure list rather the recovery is from a Truck. It is stated that the confiscation proceeding is pending.

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 Confiscating Authority 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	16-05-2019
Transmission Date	N/A

