

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5075 of 2019

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Sarvjit Kumar @ Sarvajit Kumar (Male) aged about 32 years, Son of Janardan Singh, R/o Village-Khoja Gachhi, P.S. Barbigha and District-Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna
2. The District Magistrate-cum-Collector Sheikhpura
3. The Superintendent of Police, Sheikhpura
4. The Excise Superintendent, Sheikhpura
5. The Officer-in-charge, Barbigha Police Station, Sheikhpura

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh
For the Respondent/s : Mr. Kumar Manish (SC5)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 01-04-2019

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

The petitioner prays for provisional release of his vehicle (Motorcycle Achiever Cast) bearing registration No. BR-52B-2593, which has been seized in connection with Barbigha P.S. Case No. 07 of 2019 for the offences punishable under sections 272/273/34 of the Indian Penal Code read along with side provisions under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits in reference to the First Information Report that no recovery was



made from the motorcycle in question rather the recovery is made from the Truck. He thus submits that motorcycle of the petitioner has been seized on the basis of suspicion.

Having heard learned counsel for the parties and taking note of the nature of seizure made as well as the Judgment rendered 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, of furnishing/production of the document showing the ownership of the vehicle and registration certificate in the name 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.

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

(Jyoti Saran, J)

(Arvind Srivastava, J)

shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
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