

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4661 of 2019

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Ramesh Ram aged about 49 years (Male), Son of Mohan Ram, Resident of Mohalla- Khalasi Mohalla, Koirpurva Buxar, P.S.- Buxar (T), District- Buxar, Pin Code- 802101. At present resident of Khalasi Mohalla, Ward No.29, P.S.- Buxar (T), District- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Buxar
2. The Superintendent of Police, Buxar
3. S.H.O. Buxar Industrial Police Station, District- Buxar
4. The State of Bihar through the Principal Secretary, Excise Department, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh
For the Respondent/s : Mr.Vikash Kumar (Sc11)

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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 : 29-03-2019

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. BR44J-8808, which has been seized in connection with Buxar Industrial P.S. Case No. 151 of 2018 for the offences punishable under section 30(a) of the Bihar Prohibition and Excise Act, 2016.



Learned counsel for the petitioner submits that it is a mere suspicion of the petitioner's involvement with a Car, which was loaded with liquor that even the motorcycle has been seized in absence of any recovery made from the motorcycle.

Learned counsel for the State though opposes the prayer but accepts that the recovery was made from the Car and not from the motorcycle.

Having heard learned counsel for the parties and taking note of the legal position 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)

(Arvind Srivastava, J)

shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
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