

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6078 of 2019

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Mukesh Kumar Singh, aged about 27 years, Male, Son of Tej Narayan Singh,
Resident of Village- Bhanpur, Police Station- Dinara, District- Rohtas.

... .. 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-Confiscation Officer, Rohtas at Sasaram.
3. The Superintendent of Police, Rohtas at Sasaram
4. The Station House Officer, Dinara Police Station, District- Rohtas at Sasaram

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh, Advocate
For the Respondent/s : Mr.Kumar Manish (SC5)

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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 : 02-05-2019

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

The petitioner prays for provisional release of his Bajaj CT 100 Motorcycle bearing registration No. BR-24W-7487, which has been seized in connection with Dinara P.S. Case No. 392 of 2018 for the offences punishable under Sections 272/273/323/506/34 of the Indian Penal Code and Sections 30(a)/35/38 of the Bihar Prohibition and Excise Act, 2016.

Mr. Raghunandan Kumar, learned counsel for the petitioner submits that the recovery of 37.987 liters of IMFL is not from the motorcycle in question rather it is near the house of Ram Bilas Kharkar. He submits that since the motorcycle was standing



near the house of the petitioner, it is also seized.

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 week 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
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