

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6443 of 2019

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Sugrim Sahani @ Sugriv Sahani (Male), aged about 37 years, Son of Late
Thag Sahani, Resident of Village Rampur, Bagicha Tola, P.O. Rampur, P.S.
Laukariya, District West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna.
2. The Principal Secretary, Department of Excise, Government of Bihar, Patna.
3. The District Magistrate, West Champaran, Bihar.
4. The Superintendent of Police, Bagaha, West Champaran.
5. The District Transport Officer, West Champaran, Bihar.
6. The Officer-in- Charge, Laukariya (Bagaha) Police Station, District- West
Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta, Advocate

For the Respondent/s : Mr.

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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 : 10-05-2019

Heard learned counsel for the petitioner and learned



counsel appearing on behalf of the State.

The petitioner prays for provisional release of his Hero Glamour Motorcycle bearing registration No. BR-22AJ-2854, Chassis No. MBLJAR026JGC72166, Engine No. JA06ERJGC76901, which has been seized in connection with Bagaha, Patkhauri P.S. Case No. 375 of 2018 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is stated by learned counsel for the petitioner that the petitioner was found in drunken condition but there is no recovery from the vehicle which is also confirmed from the seizure list. 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



District Magistrate, West Champaran, Bihar 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
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