

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6245 of 2019

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Sunil Yadav alias Sunil Kumar Yadav, aged about 41 years (Male), Son of Bindeshwari Yadav alias Bideshi Prasad Yadav, Resident of Village-Ram Nagar Paroria, Pararia, P.S. Hasanpur, District-Samastipur Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department Govt. of Bihar, Patna.
2. The Collector Cum-District Magistrate, District-Samastipur.
3. The Superintendent of Police, District-Samastipur.
4. The SHO, Hasanpur Police Station, District-Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Yogendra Kumar Singh, 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 : 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 Apachi Motorcycle bearing Registration No. BR-33Z-6692, Chassis No. MD634BE4XH2H57184, Engine No. BE4HH2156774, which has been seized in connection with Hasanpur P.S. Case No. 109 of 2018 for the offences punishable under Sections 41, 47, 30(a), 38(1), 38(2) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that nothing has been recovered from the motorcycle in question. The seizure list reflects recovery of 49.35 liters of IMFL from the house of the petitioner. He submits that the confiscation proceeding in the vehicle



in question has not been initiated.

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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