

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6021 of 2019**

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Gopal Jha, aged about 38 years (M), Son of Bhushan Jha, Resident of Ward No.3, Near Shiv Temple Village- Nande Nagar, P.S.- Rosera, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The Principal Secretary, Home Police, Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The Superintendent of Police, Samastipur.
5. The S.H.O. Police Station, Rosera, Samastipur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Ghanshyam Choudhary, 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 : 23-04-2019**

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

The petitioner prays for provisional release of the Motorcycle bearing Registration No. BR33w 7745, Engine No. HA10EVGHJ08901, Chassis No. MBLHA10BSGHJ08209, which has been seized in connection with Rosera P.S. Case No. 271 of 2018 for the offences punishable under Sections 30(a), 38(i)(ii), 45 and 47 of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner informs that no



recovery was made from the motorcycle in question rather simply because there was some recovery of liquor from the Car of the brother of the petitioner that while seizing the Car, the motorcycle has also been seized on suspicion. He further submits that the confiscation proceeding is yet to be initiated.

Learned counsel for the State is not in a position to contest the submission of learned counsel for the petitioner.

Having heard learned counsel for the parties and considering the fact that no recovery was made from the motorcycle in question, we direct that the vehicle in question be released within a fortnight in favour of the petitioner on production of ownership and registration papers with respect to the vehicle in question in his name before the designated Court below.

The writ petition is allowed.

**(Jyoti Saran, J)**

**( Anjani Kumar Sharan, J)**

Nasimul/-

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