

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6792 of 2019**

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Punam Devi (F), aged about 59 years, Wife of Naval Roy Resident of Korlahiya, P.O.- Kolahiyqa Mansingh, Police Station- Runni Saidpur, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Collector, Sitamarhi.
3. The Superintendent of Police, Sitamarhi.
4. The S.H.O., Runnisaidpur, Police Station, District- Sitamarhi.

... .. Respondents

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**Appearance :**

For the Petitioner/s : Mr .Ritesh Kumar Narain Singh  
For the Respondent/s : Mr. Vivek Prasad (Gp7)

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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 : 15-05-2019**

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

The petitioner prays for provisional release of his Apache RTR160 motorcycle bearing registration No. BR-06AV-257 (incorrectly mentioned in the seizure list as BR-06AU-2297), Chassis No. MD634KE42F2K98727 and Engine No. OE4KF22834884, which has been seized in connection with Runnisaidpur P.S. Case No. 265/2018 for the offences punishable under Sections 30 and 37(G) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

Learned counsel for the petitioner in reference to the F.I.R. submits that although it refers to recovery of 1 bottle of Royal Stag containing 375 ml. but the same was not found from the motorcycle



rather was lying by the side thereof. Undisputedly, there is no recovery from the motorcycle as it is also confirmed from the seizure list.

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 motorcycle in question.

Since nothing has been recovered from the motorcycle, 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 the observations/directions above, this writ petition is allowed.

**(Jyoti Saran, J)**

**( Anjani Kumar Sharan, J)**

Surendra/-

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| AFR/NAFR          | NAFR       |
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