

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6954 of 2019

=====

Dinesh Chaurasiya @ Dinesh Chaurasia, aged about 44 years (Male), S/o
Late Raja Ram Chaurasiya @ Late Jhoti Chaudasia, Resident of Village-
Baghi P.S.-Nagar, District-Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department at Patna
2. The Divisional Commissioner, Excise Department, Munger Division at Munger
3. The District Collector, Begusarai at Begusarai
4. The Superintendent of Police, Begusarai at Begusarai

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 16-05-2019

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

The petitioner prays for provisional release of his Hero Passion
Pro Motorcycle bearing Registration No. BR09N 9658, Chassis No.
MBLHA10AWDHL 74585, Engine No. HA10ENDHL04141, which has
been seized in connection with Muffasil P.S. Case No. 36 of 2019 for the
offences punishable under Sections 414, 290 of the Indian Penal Code read
along with side provisions of Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

Simply because the motorcycle was standing besides the



vehicle which was loaded with liquor that on suspicion it has been 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 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 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
Uploading Date	10-06-2019
Transmission Date	N/A

