

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7133 of 2019

Satya Prakash Son of Ajay Saw Resident of Village- Simra, P.S.- Parsa Bazar,
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary Excise Department, New Secretariat, Patna.
2. The Principal Secretary Excise Department, Government of Bihar New Secretariat, Patna.
3. The District Magistrate Patna.
4. The Superintendent of Police Patna.
5. The Officer-in- Charge Paliganj Police Station, district- Patna.
6. The Investigation Officer of Paliganj P.S. Case No. 16/19 dated 11.01.2019, P.S.- Paliganj, district- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeet Kumar
For the Respondent/s	:	Mr.Kumar Manish (Sc5)

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 17-05-2019

Heard learned counsel for the petitioner and learned
counsel for the State.

This application has been filed seeking provisional
release of the vehicle (Motorcycle, Hero Glamour Fi) bearing
Registration No. BR-01-DU8188, Engine No. JAO6EGJ9FOO
815, Chassis No. MBLJASO17J9FOO761 seized in connection
with Paliganj P.S. Case No. 16 of 2019, Special Case No. 462 of
2019 registered under Section 273 of Indian Penal Code and
under Section 2/(E)/3/5/18 of the Bihar Prohibition & Excise Act,
2016.



Learned counsel for the petitioner submits Mahua flower was recovered from a vehicle but not from the motorcycle in question. It is submitted that no confiscation proceeding is pending in respect of the vehicle in question.

Considering the facts and circumstances of the case and also the judgment of the Hon'ble Division Bench 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**, the court below is directed to release the vehicle in question forthwith in favour of the petitioner within a week after submission of the document showing the ownership of the vehicle and registration certificate in the name of petitioner.

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.

The writ petition is allowed with directions above.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.05.2019
Transmission Date	NA

