

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6758 of 2019

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Roshan Mahato @ Roshan Kumar, aged about 34 years (Male), Son of
Sadanand Mahato, Resident of Village- Sanhauli, Ward No. 02, P.S.
Chitragupta Nagar, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Patna, Bihar.
2. The Divisional Commissioner, Department of Excise, Munger Division,
Munger.
3. The Collector-Cum-District Magistrate, Khagaria.
4. The Superintendent of Police, Khagaria.
5. The Dy. Superintendent of Police, Khagaria.
6. The Officer-in-Charge, Morkahi, Police Station, District- Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate
For the Respondent/s : Mr.Vikash Kumar (11)

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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 Pulsar Motorcycle bearing registration No. BR-34-H 1851, Chassis No. MD2-DHD-HZZ-TCL- 21089, Engine No. DHG-BTL-05960, which has been seized in connection with Morkahi P.S. Case No. 65 of 2017 for the offence punishable under Section 188 of the Indian Penal Code and Section 39 of the Bihar Prohibition and Excise Act, 2016.

It is stated by the learned counsel for the petitioner that though there is allegation of drunken state but there is no recovery from the vehicle as it is also confirmed from the seizure list. It is stated that the confiscation proceeding is pending.

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
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