

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6747 of 2019

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Anurag Kumar Singh, aged about 31 years, Male, Son of Anil Kumar Singh, Resident of Village- Pipara, P.S.- Pipara, District- Palamu (Jharkhand). at present resident of Village Satyendra Nagar, P.S.- Town, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise and Prohibition, Govt. of Bihar, Patna.
2. The Excise Commission, Magadh Division, Gaya.
3. The District Magistrate cum Collector, District- Aurangabad.
4. The Superintendent of Police, District- Aurangabad.
5. The Officer In Charge of Muffasil Police Station, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kamlendra Pd. Singh, 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 : 15-05-2019

Counter affidavit is being filed on behalf of the respondent no. 4. Let it be kept on record.

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

The petitioner prays for provisional release of his HONDA C.B UNICORN MOTOR CYCLE bearing registration No. B.R 26D 3940, Chassis No. ME4KC09CHE8791387, Engine No. KC09E86802048, which has been seized in



connection with Muffasil P.S. Case No. 03 of 2019 for the offence punishable under Section 120(B) of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016 together with a Samsung J.J. Mobile phone.

The allegation against the petitioner is of escorting Bolero Car, which was loaded with liquor and consequently the mobile phone and the motorcycle in question has been seized. Undisputedly, there is no recovery from the vehicle 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 together with the Samsung J.J. Mobile phone 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	21-05-2019
Transmission Date	N/A

