

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8006 of 2019

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Shekhar Kumar Son of Brijkishor Prasad Resident of Village-Molnapur, P.S.
Basantpur, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Department Govt. of Bihar, Patna
2. The District Magistrate, Siwan
3. The Superintendent of Police, Siwan
4. The Officer-in-charge, Basantpur, police station, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary
For the Respondent/s : Mr.Anil Kr. Sinha (Gal)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 28-06-2019

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

The petitioner prays for provisional release of his Pulsar 160
Motorcycle bearing registration No. BR29AC3947, Chassis No.
MD2A92CYXHCE10464 and Engine No. JEYCHE23451 which has
been seized in connection with Basantpur P.S. Case No. 60 of 2019 for
the offences punishable under Sections 272, 273 and 308 of the Indian
Penal Code and Sections 30(a) and 38 of the Bihar Prohibition and
Excise Act, 2016.

Learned counsel for the petitioner informs that no recovery
was made from the motorcycle in question rather simply because there



was recovery of 84 Litres IMFL from a nearby parked car that while seizing the Car, the motorcycle has also been seized on suspicion. He further submits that the confiscation proceeding is yet to be initiated.

Learned counsel for the State is not in a position to contest the submission of learned counsel for the petitioner.

Having heard learned counsel for the parties and considering the fact that no recovery was made from the motorcycle in question, following the legal position settled in the case of *Diwakar Kumar Singh Vs. the State of Bihar through the Principal Secretary, Escise Department & Ors. reported in 2018 (3) PLJR 403* we direct the designated court below to release the vehicle in question in favour of the petitioner within a fortnight on production of ownership and registration papers with respect to the vehicle in question in his name.

The writ petition is allowed.

(Jyoti Saran, J)

(Partha Sarthy, J)

sushma/prakash

AFR/NAFR	NAFR
CAV DATE	NA
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