

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7651 of 2019

1. Mithu @ Mithu Kumar Son of Satyendra Sah Resident of Vill-Harsingpur, PS-Runni Saidpur, District-Sitamarhi
2. Arun Kumar Son of Devendra sah @ Kuisha, Resident of Vill-Harsngpur, PS-Runni Saidpur, District-Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home (Police) Government of Bihar, Patna
2. The Principal Secretary, Excise and Prohibition Department, Government of Bihar, Patna
3. The Director General of Police, Bihar, Patna.
4. The District Magistrate, Sitamarhi
5. The Superintendent of Police, Sitamarhi.
6. The S.H.O., Dumra PS, District Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa
For the Respondent/s : Mr.Vikash Kumar (Sc11)

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 petitioners and learned
counsel representing the State.

Two petitioners have prayed for provisional release
of their vehicles (motorcycle) bearing Registration No.
BR30V1163 and BR 30U2041 respectively which has been seized
by the police in connection with Dumara P.S. Case No. 527 of
2018 registered for the offence under Sections 272,273,414,34 of
I.P.C. and 37(a), 38, 41 of Bihar Prohibition and Excise Act,
2016.



Learned counsel for the petitioners submits that there is no recovery of illicit liquor from the vehicle 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 designated court below is directed to release the two vehicles in question forthwith in favour of the two petitioners respectively, within a week after submission of the document showing the ownership of the vehicle(s) and registration certificate(s) in the name of petitioner(s).

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	18.06.2019
Transmission Date	NA

