

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8952 of 2019

=====

Rouki Singh @ Rouki Kumar Singh, S/o Late Mahindra Singh, R/o Village
Ramgarh, P.S. Ramgarh, District Kaimur at Bhabua. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Excise Department,
Bihar, Patna.
 2. The Director General of Police, Bihar Patna.
 3. The District Magistrate cum Collector, Kaimur at Bhabua.
 4. The Senior Superintendent of Police, Kaimur at Bhabua.
 5. The Station Head Officer Police Station, Durgawati, Kaimur at Bhabua.
... .. Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan
For the Respondent/s : Mr. Vikash Kumar (Sc11)

=====

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

Date : 12-07-2019

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

The petitioner prays for provisional release of his TVS
Victor Motorcycle bearing registration No. BR45J1094, Chassis No.
MD625GF16H1K80458 and Engine No. JF1KH1802627 which has
been seized in connection with Durgawati P.S. Case No. 49 of 2019
corresponding to Excise Case No. 143 of 2019 for the offences
punishable under Sections 30(a) and 56(b) of the Bihar Prohibition and
Excise Act, 2016.

The allegation against the petitioner is of recovery of 930 ml.
IMFL from the pocket of the petitioner. Undisputedly, there is no
recovery from the vehicle in question 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 in favour of the petitioner within a week 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 motorcycle in question.

Since nothing has been recovered from the motorcycle, 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 the observations/directions above, this writ petition is allowed.

(Jyoti Saran, J)

(Partha Sarthy, J)

sushma/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.7.19
Transmission Date	NA

