

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8502 of 2019

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Ravindra Ray @ Ravindra Rai, S/o Shobhit Ray @ Shobhit Rai, R/o Village-
Ghogha Gali Chowk, Patna, P.S.-Chowk, Ranipur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Excise Bihar, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Deputy Superintendent of Police, Patna City
5. The Officer in Charge Chowk P.S., Patna City, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.
For the Respondent/s : AC to GA-1

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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 : 08-07-2019

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

The petitioner prays for provisional release of his Hero
Glamour motorcycle bearing Registration No.BR01CT6848,
Chasis No. MBLJA06ANFGM12040 and Engine
No.JA06EJFGM28211 which has been seized in connection
with Chowk P.S. Case No.103 of 2019 (District- Patna) for the
offences punishable under sections 272/273 of the Indian Penal
Code read alongside the provisions of section 30(a) of the Bihar



Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the seizure list appended to the FIR itself explains that no recovery was made from the motorcycle in question rather it was recovered from the personal possession of the two persons who was riding the motorcycle of the petitioner. He submits that 2 bottles of India Made Foreign Liquor each containing 180 ml. were recovered from rider Pradeep Kumar and two bottles of India Made Foreign Liquor each containing 750 ml. were recovered from the personal possession of the other rider. He thus submits that the recovery is from the personal possession of the two riders and not from the petitioner or the motorcycle in question. He further submits that no confiscation proceeding has been initiated.

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 in favour of the petitioner within 14 days 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 as 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 the observation above, this writ petition is allowed.

(Jyoti Saran, J)

(Partha Sarthy, J)

skpathak/-

AFR/NAFR	NAFR
CAV DATE	NA
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