

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7869 of 2019

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Manoj Kumar S/o Hari Sao, Resident of Mohalla- Tulsi Mandi, Gulzarbag P.s.
Gulzarbag District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary Excise and Prohibition Department, Bihar, Patna
3. The District Magistrate, Patna
4. The Senior Superintendent of Police, Patna
5. The Officers in Charge, Nadi Police Station, Patna
6. The Investigating Officer Nadi Police Station Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumari Sujata Sinha

For the Respondent/s : Mr.Anil Kumar Sinha (Ga1)

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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
Motorcycle bearing registration No. BR01CG-3686, Chassis No.
MD2A11CZXECG32461 and Engine No. DHZCEG-11875 which has
been seized in connection with Nadi P.S. Case No. 237 of 2018 for the
offences punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act, 2016.

Learned counsel for the petitioner submits that there is no
recovery from the vehicle in question rather simply because of
suspicion that the petitioner was acting as liner to regulate the



movement of vehicle that seizure is made. Undisputedly, the seizure lists confirms no recovery of liquor from the motorcycle.

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/prakash

AFR/NAFR	NAFR
CAV DATE	NA
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