

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7673 of 2019

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Chitranjan Kumar Singh s/o Late Horil Singh R/o Village-Kisunpur Narwara,
P.S. Tariyani, District Sheohar

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Patna
2. The Principal Secretary Department of Excise and Prohibition, Government of Bihar, Patna
3. The District Magistrate-cum-Collector Muzaffarpur
4. The Superintendent of Police Muzaffarpur
5. The District Supply Officer Muzaffarpur
6. The Excise Superintendent Department of Excise, Muzaffarpur
7. The State House Officer, Town Meenapur, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh
For the Respondent/s : Mr.Kumar Manish (Sc5)

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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 Pick-up Van bearing registration No. BR06GB7498, Chassis No. MA1ZN2GHKF1H61235 and Engine No. GHF1G43396 which has been seized in connection with Minapur P.S. Case No. 554 of 2018 for the offences punishable under Sections 272, 273 and



120(B) of the Indian Penal Code and Sections 30(a), 38, 41, 48 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 his pick-up van was parked near the truck from where liquor was being unloaded and that while seizing the truck, the pick-up has also been seized on suspicion. He further submits that confiscation is pending.

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 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 hereby direct the Collector-cum-District Magistrate, Muzaffarpur to ensure the release of the vehicle in question in favour of the petitioner within a period of 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 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 pick-up van,
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 above, this writ petition is
allowed.

(Jyoti Saran, J)

(Partha Sarthy, J)

sushma/-

AFR/NAFR	NAFR
CAV DATE	NA
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