

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8806 of 2019

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Amalesh Tiwari, Son of Govind Tiwari, Resident of Village Ward No. 14,
Malviyanagar, P.O.- Seorahi, P.S. Bishunpura, District Kushinagar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna.
2. The Principal Secretary, Department of Excise, Government of Bihar, Patna.
3. The District Magistrate, West Champaran, Bihar.
4. The Superintendent of Police, Bagaha, West Champaran.
5. The District Transport Officer, West Champaran, Bihar.
6. The Officer-in-Charge, Takaraha Police Station, District West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta, Adv.
For the Respondent/s : Mr.Kumar Manish, SC5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 02-05-2019

Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for provisional release of the
vehicle (Bajaj Planina motorcycle) bearing No. UP-57X-2282,
Engine No. DZPFK88294 Chasis No. MD2A18AZ8FPK17799
which has been seized by the police in connection with Takaraha
P.S. Case No. 37 of 2016 registered for the offence under Section
37 (a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner 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 court below is directed to release the vehicle in question forthwith in favour of the petitioner within a fortnight on furnishing/production of the document showing the ownership of the vehicle and registration certificate in the name of 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 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.

The writ petition is allowed with directions above.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

Bibhash/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	10.05.2019
Transmission Date	NA

