

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8728 of 2019

=====

Ravi Kumar Singh @ Ravish Kumar Singh @ Rabish Kumar Singh Son of
Nagina Singh Resident of Village-Harsiddhi, Babu Tola, Police Station-
Harsiddhi, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Govt. of Bihar, Patna.
2. The District Magistrate cum Collector, East Champaran, Motihari.
3. The Superintendent of Police, East Champaran, Motihari.
4. The Excise Superintendent, East Champaran, Motihari.
5. The Officer in Charge, Sugauli Police Station, District-East Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar
For the Respondent/s : Mr.(Ga1)

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 09-07-2019

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

The petitioner prays for provisional release of his TVS
Apache RTR Motorcycle bearing registration No. BR05V0357,
Chassis No. MD634KE69G2F47174 and Engine No.
OE6FG2115093 which has been seized in connection with Sugauli
P.S. Case No. 227 of 2018 for the offences punishable under
Sections 30(a) and 37(b) of the Bihar Prohibition and Excise Act,
2016.



Learned counsel for the petitioner submits that petitioner is the owner of the vehicle, which was given in good faith to one Krishna Yadav, who was driving the motorcycle in drunken state and on whose instance recovery of 22.515 litres of IMFL has been made from the house of one co-accused Raj Kishore Bhagat and the motorcycle of the petitioner has been seized. Undisputedly, there is no recovery from the motorcycle 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	22.7.2019
Transmission Date	NA

