

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8758 of 2019

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Shrawan Sharma S/o Late Bhikhari Sharma Vill.- Ram Nagar, P.O.- Sedhan,
P.S.- Tarari, Distt.- Bhojpur, Ara

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Govt. of Bihar, Patna
2. The District Magistrate Rohtas (Sasaram)
3. The Superintendent of Police Rohtas (Sasaram)
4. The Excise Officer Rohtas (Sasaram)
5. The A.S.I. of Parsathua (O.P.) Kochas Police Station, Distt.- Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate
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 : 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
Platina Bajaj Motorcycle bearing registration No. BR03Z2226,
Chassis No. MD2A76AY2JRG65872 Engine No.
PFYRJG94286, which has been seized in connection with
Kochas (Parsathua O.P) P.S. Case No. 207 of 2018 for the
offences punishable under section 30(a) of the Bihar Prohibition
and Excise Act, 2016.



Counsel for the petitioner submits that a plain look at seizure list which accompanies the FIR, would show that there is no recovery from the motorcycle in question rather about 800 ml. of IMFL was recovered from the possession of the three persons, who were riding the motorcycle. Undisputedly, there is no recovery from the vehicle which is also confirmed from the seizure list.

Having heard learned counsel for the parties and taking note of the legal position 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 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 this observations/directions above, this writ
petition is allowed.

(Jyoti Saran, J)

(Partha Sarthy, J)

Prakash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.07.2019
Transmission Date	NA

