

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9672 of 2019

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Vivek Kumar, aged about 27 years, Gender Male, Son of Nagendra Singh,
Resident of Village- Dudhi Tola Maharajganj, P.S.- Maharajganj, District-
Siwan.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna.
2. The District Magistrate, District- Siwan.
3. The Superintendent of Police, District- Siwan.
4. The Officer-in-Charge, Maharajganj Police Station, District- Siwan.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Prashant Kumar
For the Respondent/s : Mr. Vivek Prasad (Gp7)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 22-07-2019

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

The petitioner prays for provisional release of the
Passion Pro Motorbike bearing registration No. BR 29AC 5315,
Engine No. HA10ACHHH02494, Chasis No.
MBLHAR186HHH57560, which has been seized in connection
with Maharajganj P.S. Case No. 121/2018 for the offences
punishable under sections 272, 273, 308 and 420 of the Indian
Penal Code and section 41(i) of the Bihar Prohibition and Excise
Act, 2016.



It is stated by learned counsel for the petitioner that no recovery was made from the motorcycle in question rather simply because there was some recovery of liquor from the pick up van of a co-accused that while seizing the said vehicle, the motorcycle has also been seized on suspicion. He further submits that the confiscation proceeding is yet to be initiated.

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 considering the fact that no recovery was made from the motorcycle in question, we direct that the vehicle in question be released within a fortnight in favour of the petitioner on production of ownership and registration papers with respect to the vehicle in question in his name before the designated court below.

With the observations above, this writ petition is allowed.

(Jyoti Saran, J)

(Partha Sarthy, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.08.2019
Transmission Date	NA

