

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10407 of 2019

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Mithilesh Singh @ Mithlesh Singh Son of Dhrupdev Singh Resident of
Village- Kampura Tola, Raghuahata, P.S.- Siwan Mufassil, District- Siwan.

... .. Petitioner/s

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.

... .. Respondent/s

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Appearance :

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

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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 : 06-08-2019

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. BR29R5204 which has been seized in
connection with Maharajganj P.S. Case No. 121 of 2018 for the offence
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 submitted by learned counsel for the petitioner that on
secret information Dalan of one Parmatma Singh was searched and a
total 242 litres of IMFL was recovered. His Pick-UP Van was parked



near Dalan of the said Parmatma Singh, and there is no recovery from his Pick-UP Van 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 pick-up van 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/directions above, this writ petition is allowed.

(Jyoti Saran, J)

(Partha Sarthy, J)

sushma/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.8.19
Transmission Date	NA

