

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9433 of 2019

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Mithun Kumar Son of Wakil Mandal Resident of Village- Hawaii Adda
Sachidanand Nagar, P.S. Tilkamanjhi (Jagdishpur), District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Bhagalpur.
3. The Superintendent of Police, Bhagalpur.
4. The Superintendent of Excise, Bhagalpur.
5. The Officer-in-Charge, Kotwali (Tilkamanjhi), District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh
For the Respondent/s : Mr.Vikash Kumar (Sc11)

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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 : 16-07-2019

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

The petitioner is owner of TVS Apache Motorcycle
and prays for provisional release of the said new vehicle bearing
Registration No. nil, Chassis No. MD634BE49J2F07800,
Engine No. BE4FJ2607548, which has been seized in
connection with Kotwali (Tilkamanjhi) P.S. Case No. 590 of
2018 & G.R. No. 4800 of 2018 for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is stated by learned counsel for the petitioner that



confiscation proceeding is pending and the vehicle is lying under the open sky in the police station. Nothing has been recovered from the motorcycle of the petitioner. The F.I.R./seizure list supports the seizure of the motorcycle and 2 bottles each containing 375 ml. of IMFL, from waist of the petitioner.

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 fortnight, 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 District Magistrate, Bhagalpur 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)

sushma/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	7.8.19
Transmission Date	NA

