

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10219 of 2019

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Md. Mustafa @ Mustafa Miyan S/o Muslim Miyan Resident of Village-
Garhpur, Police Station-Garhpur, Dist. Begusarai Petitioner/s
Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna
 2. The Excise Commissioner, Govt. of Bihar, Patna
 3. The District Magistrate, Samastipur
 4. The Senior Superintendent of Police, Samastipur
 5. The Excise Superintendent, Samastipur
 6. The Station House Officer, Hasanpur Police Station, Dist.-Samastipur
- Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad
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 PARTHY SARTHY)

Date : 05-08-2019

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

The petitioner prays for provisional release of his motorcycle bearing registration No. BR33G7757 which has been seized in connection with Hasanpur P.S. Case No. 143 of 2018 for the offences punishable under Sections 37(a) (b) of the Bihar Prohibition and Excise Act, 2016.

The Petitioner is not named in the FIR. He is owner of Passion Pro Motorcycle and the aforesaid vehicle was being driven by the two accused persons who were in drunken state and in such condition, the motorcycle 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	14.8.19
Transmission Date	NA

