

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9958 of 2019

=====

Naveen Sah Son of Rambhu Sah Resident of Village Garbhuwa Lala Tola,
P.O. Turhapatti, P.S. Sirisiya O.P., Chanpatia, District West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, West Champaran, Bettiah.
3. The Superintendent of Police, West Champaran, Bettiah.
4. The S.H.O., Chanpatiya, District West Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate
For the Respondent/s : Mr. Kumar Manish (Sc5)

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 01-08-2019

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. BR22AE8797 which has been
seized in connection with Chanpatia (Sirisia O.P) P.S. Case No. 339 of
2018 for the offences punishable under sections 467,468,471 and 414 of
the Indian Penal Code and sections 30(a) and 30(b) of the Bihar
Prohibition and Excise Act, 2016.

It is submitted by learned counsel for the petitioner that on
receiving secret information a raid was conducted by the police and FIR
was registered against 19 named persons and 20-25 unknown persons. It
is further submitted that the motorcycle was seized only on the basis of
suspicion no recovery took place from the motorcycle and that the
confiscation proceeding for the vehicle is yet to be initiated.



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)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

