

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10294 of 2019

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Devendra Kumar @ Murari Kumar S/o Ram Sanjeevan Singh @ Ram Sanjeev Singh (Named in the FIR as Ram Jivan Singh), R/o Vill.- Ramdiri-
Ram Nagar Loke Singh Tola P.S.- Matihani, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, (Bihar), Patna.
2. The District Magistrate, Begusarai.
3. The Superintendent of Police, Begusarai.
4. The Officer In-charge-fulwariya Police Station, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey
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 JYOTI SARAN)

Date : 06-08-2019

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

The petitioner is owner of TVS Apachi Motorcycle and prays
for provisional release of his vehicle bearing registration No. BR-
09X7554 which has been seized in connection with Phulwaria P.S. Case
No. 149 of 2018 for the offences punishable under Sections 120 (B),
414 and 34 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The motorcycle has been seized on suspicion.
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	18.8.19
Transmission Date	NA

