

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9901 of 2019

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Jitendra Kumar S/o Indra Dev Prasad R/o Village- Tarigodown, Panchu Chak,
P.S.- Danapur, District- Patna. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise and Prohibition Act, Government of Bihar, Patna.
2. The District Magistrate Patna.
3. The Superintendent of Police Patna.
4. The Officer -in- Charge Danapur Police, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate
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 : 29-07-2019

Heard learned counsel for the petitioner and
learned Counsel for the State.

The petitioner prays for provisional release of the
Hero Splendor Plus Motorcycle bearing Registration No.
BR01DM6731 which has been seized in connection with
Danapur P.S. Case No. 17 of 2019 for the offence punishable
under section 30(a) of the Bihar Prohibition and Excise Act,
2016.

Counsel for the petitioner submits that no recovery
has been made from the vehicle in question rather 180 ML and
375 ML of IMFL has been recovered from the possession of the
petitioner and one Ravi Kumar respectively; the confiscation
proceeding is pending and the vehicle is lying under the open



sky in the police station. The seizure list supports the seizure of the motorcycle.

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	NAFR
CAV DATE	NA
Uploading Date	13.08.2019
Transmission Date	NA

