

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10643 of 2019

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Ravindra Kamat, Son of Piler Kamat, Resident of Village Khoir, P.S.- Bheja,
District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The State of Bihar, through the Director General of Police.
4. The District Collector cum District Magistrate, Madhubani.
5. The Superintendent of Police, Madhubani.
6. The Police Station House Officer, Lakhnour, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Adv.
For the Respondent/s : Mr. Vivek Prasad, GP-7

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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 : 08-08-2019

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

The petitioner prays for provisional release of his Bajaj motorcycle bearing Registration No.BR-32K-3663 which has been seized in connection with Lakhnour P.S. Case No.74 of 2018 (District- Madhubani) for the offences punishable under sections 272 and 273 of the Indian Penal Code read alongside the provisions of section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is submitted by learned counsel for the petitioner that there is no recovery from the motorcycle but the recovery of 750 ml. of India Made Foreign Liquor is from the pocket of one Shankar Kumar.; the confiscation proceeding is yet to be initiated and the



vehicle is lying under the open sky in the police station. Undisputedly, there is no recovery from the vehicle as it is also confirmed from the FIR.

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 14 days 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 as 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 the observation above, this writ petition is allowed.

(Jyoti Saran, J)

(Partha Sarthy, J)

skpathak/-

AFR/NAFR	NAFR
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