

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10038 of 2019

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Raj Gopal Son of Ramashish Yadav, Resident of Inday, P.S. Sheikhpura,
District-Sheikhpura (Bihar) Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department of Prohibition Registration, Government of Bihar, Patna.
 2. The Collector-Cum-District Magistrate, Sheikhpura, District-Sheikhpura,
 3. The Superintendent of Excise, Sheikhpura, District-Sheikhpura,
 4. The Senior Superintendent of Police, Sheikhpura, District-Sheikhpura,
 5. The Officer-In-charge, Sheikhpura Police Station District-Sheikhpura.
- Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sharma
For the Respondent/s : Mr.Vikash Kumar (Sc11)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 01-08-2019

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

The petitioner is owner of Bajaj Avenger Motorcycle and prays
for provisional release of his vehicle bearing registration No. BR52C1361
which has been seized in connection with Sheikhpura P.S. Case No. 70 of
2019 for the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

It is submitted by learned counsel for the petitioner that
recovery of one bottle, containing 750 ml. of IMFL, has been made from
the side of the road. Undisputedly, there is no recovery from the vehicle as
it is also confirmed from the seizure list. It is further submitted that
confiscation proceeding 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 fortnight, 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 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 this observations/directions above, this writ petition is allowed.

(Jyoti Saran, J)

(Partha Sarthy, J)

sushma/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	9.8.19
Transmission Date	NA

