

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17085 of 2018**

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Shamsher Kujara Son of Ali Imam Kujara, Resident of Village-Bari, P.S.-  
Singhiya, Dist.-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Bihar,  
Old Secretariat, Bailey Road, Patna.
2. The District Magistrate, Samastipur
3. The S.P. Samastipur
4. The Excise Superintendent, Samastipur
5. The S.H.O. Singhiya.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Anshu Dhar Sharma  
For the Respondent/s : Mr.Vikash Kumar - SC11

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**

**and**

**HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)**

**Date : 04-02-2019**

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

The petitioner prays for provisional release of the  
Bajaj Discover Motorcycle bearing Registration No. BR07Y-  
0351, Chassis No. MD2A15BZXGRD92207, Engine No.  
JZZRGD09520, which has been seized in connection with  
Singhiya P.S. Case No. 155 of 2017 for the offences punishable  
under sections 30(a), 38(i), 38(ii) and 41(i) of the Bihar  
Prohibition and Excise Act.

It is stated by learned counsel for the petitioner that  
confiscation proceeding is yet to be initiated and the vehicle is  
lying under the open sky in the Singhiya Police Station,



Samastipur. Learned counsel for the petitioner further submits that motorcycle of the petitioner was passing along with the Pick-up Van in which 640.8 liters of I.M.F.L. was recovered. On mere suspicion, the motorcycle of the petitioner was also seized even when there was no recovery from the motorcycle.

Learned counsel for the State, Mr. Vikash Kumar, SC-11 is not in a position to contest the submission of learned counsel for the petitioner.

Having heard learned counsel for the parties and considering the fact that no recovery was made from the motorcycle in question, we direct that the vehicle in question be released forthwith and within a fortnight in favour of the petitioner on production of ownership and registration with respect to vehicle in question in his name before the Officer-in-Charge, Singhia Police Station, Samastipur.

The writ petition is allowed.

**(Jyoti Saran, J)**

**( Arvind Srivastava, J)**

Shailendra/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 16.02.2019 |
| Transmission Date | NA         |

