

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10437 of 2019

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Madhaw Ram Son of late Ramjee Ram, Resident of Ward No. 5, Mainatand,
Police Station- Mainatand, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department Government of Bihar, Patna.
3. The Collector-Cum-District Magistrate, West Champaran at Bettiah.
4. The Superintendent of Police, Bettiah, West Champaran.
5. The Officer In Charge , Chanpatiya (Sirisiya O.P.), District- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7
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 : 06-08-2019

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

The petitioner prays for provisional release of his Honda
Livo Motorcycle bearing registration No. BR22Z8502. which has
been seized in connection with Chanpatiya (Sirisiya O.P) P.S.
Case No. 339 of 2018 for the offences punishable under sections
467,468,471 and 414 of the Indian Penal Code and sections 30(a)
and 30(b) of the Bihar Prohibition and Excise (Amendment) Act
2018.



It is stated by learned counsel for the petitioner that his Honda Livo Motorcycle was stolen for which he lodged an FIR bearing Ram Nagar P.S. Case No. 192 of 2018. Later on he learnt that his motorcycle was recovered and has been seized in connection with Chanpatiya (Sirisiya O.P.) P.S. Case No. 339 of 2018. 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

