

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12553 of 2019

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Pinku Sharma(M), aged 23 years S/o- Sunil Mistri, Resident of Village-
Belachhi, P.S. Ariari, District- Sheikhpura.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Govt. of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Deputy Superintendent of Police, Barh Sadar, Patna.
5. The Station Head Officer (S.H.O.) Barh Police Station, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Onkar Nath, Adv.
For the Respondent/s : Mr.Vivek Prasad (Gp7)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAKESH KUMAR)

2 11-09-2019 Heard Sri Onkar Nath, learned counsel for the
petitioner and learned AC to Govt. Pleader no.7

The petitioner, who is registered owner of
motorcycle, bearing Registration No. BR-21S-8241, having
Chassis No. ME4JC734FHT067033, Engine no.
JC73ET1118080, has approached this Court, invoking
its writ jurisdiction under Article 226 of the Constitution of
India, with a prayer to direct the respondents to release his
vehicle, which, according to learned counsel for the petitioner,
was seized in connection with Barh P.S. Case No.51 of 2019,



corresponding to Special Case No.1201 of 2019, registered for offence under Section 37(ii) of the Bihar Prohibition and Excise Act, 2018.

During course of hearing it transpired that driver and pillion rider along with motorcycle were arrested on an allegation that they were in drunken condition and from the motorcycle, no recovery was shown. Along with F.I.R., arrest of memo in respect of both accused has been brought on record, however no seizure list is there.

In view of aforesaid facts and circumstances, the Court is of the opinion that the petitioner may avail appropriate remedy. Accordingly, the writ petition stands disposed of with observation that if the petitioner approaches the concerned authority and makes a prayer for release of the vehicle in question, the same shall be released in favour of the petitioner, if no seizure has been made properly, on appropriate security, without insisting either for bank guarantee or cash.

(Rakesh Kumar, J.)

(Anjani Kumar Sharan, J.)

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