

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22464 of 2018

=====

Puja Kumari D/o Sri Baban Ram, Resident of Village Chandesh P.S. Kudhani,
District- Kaimur (Bihar).

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Excise Department Government of Bihar, Patna.
2. The District Magistrate Kaimur at Bhabua.
3. The Superintendent of Police Kaimur at Bhabua.
4. The Officer Incharge Ramnagar Police Station.

... .. Respondents

=====

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Adv.
For the Respondent/s : Mr. Vikash Kumar, SC 11

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 22-04-2019

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

The petitioner prays for provisional release of his
motorcycle bearing registration No. BR 45E 5772, Chassis No.
MBLHA12 ALFAB 03929 and Engine No. HA 12E ME 9B-04044
which has been seized in connection with Ramgarh P.S. Case No.
128/2018 for the offences punishable under Sections 30(A)/38(i) 56 of
the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits 4.110 litres of
IMFL is recovered from the bag of the accused, who happens to be
brother-in-law of the petitioner. 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)

(Anjani Kumar Sharan, J)

Archana/
Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.05.2019
Transmission Date	NA

