

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18538 of 2019

Niranjan Banarjee @ Nilanjan Banerjee S/o Parth Sarathi Banerjee, Resident of Village/Mohalla-Flat No.404, Aradhna Apartment, Yarpur, Police Station Gardanibagh, Dist. Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna
2. The District Magistrate, Patna
3. The Superintendent of Police, Patna
4. The Officer Incharge, P.S. Kotwali, Police Station, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar
For the Respondent/s : Mr. Kumar Manish (Sc5)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

2 16-12-2019 Heard learned counsel for the petitioner as well as learned counsel for the State.

The petitioner seeks release of his Motorcycle bearing Registration No. BR 01 DJ 8419 which was seized in connection with Kotwali Police Station Case No. 624 of 2019 registered for the offence punishable under section 279 of the Indian Penal Code and section 37b(c) of the Bihar Prohibition and Excise Act, 2016.

It is submitted on behalf of the petitioner that the petitioner was caught in drunken state while he was going by the seized motorcycle and accordingly not only he was arrested



but his motorcycle was also seized.

Admittedly, nothing was found from the seized motorcycle of the petitioner and the case of the petitioner is covered by the decision of Diwakar Kumar Singh Vs. State of Bihar and others, reported in 2018(3) PLJR 403. Therefore, in the facts and circumstances of the case, this writ application is allowed and it is ordered that the seized vehicle be released in favour of the petitioner on execution of bond of Rs.50,000/- and after verifying the original documents of the aforesaid motorcycle with respect to the ownership within two weeks from the date of receipt/production of a copy of this order with the condition that the petitioner shall not transfer or alienate the said vehicle without prior permission of the concerned Court and shall produce the aforesaid vehicle whenever and wherever it is required by the Court.

Writ petition stands disposed of with the aforesaid directions.

(Hemant Kumar Srivastava, J)

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(Prabhat Kumar Singh, J)

