

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16292 of 2018

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Kunal Paswan @ Kunal Kumar Son of Sri Gaya Paswan Resident of Village-
Muzaffarpur, Police Station- Noorsarai, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar and Ors
2. The District Magistrate, Nalanda at Bihar Sharif.
3. The Sub Divisional Magistrate, Bihar Sharif Sub Division, Bihar Sharif,
District- Nalanda.
4. The Superintendent of Police, District- Nalanda at Bihar Sharif.
5. S.H.O. Police Station Noorsafai, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rabi Bhushan Prasad No. 1, Adv.
For the Respondent/s : Mr.Vikash Kumar- SC11

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 21-01-2019

Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for provisional release of the
vehicle (Hero Honda Passion Pro Motorcycle) bearing No. BR-
21E 3836, Vehicle Class MCY Chasis No.
MBLHA10AHAGL15017 which has been seized by the police in
connection with Sohsarai P.S. Case No. 145 of 2018(GR
No.2747/2018) registered for the offence under Sections 279,



337, 338 of I.P.C. and 37 (B) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that there is no recovery of illicit liquor from the vehicle in question. It is submitted that no confiscation proceeding is pending in respect of the vehicle in question.

Considering the facts and circumstances of the case and also the judgment of the Hon'ble Division Bench 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**, the court below is directed to release the vehicle in question forthwith in favour of the petitioner within a week after submission of the document showing the ownership of the vehicle and registration certificate in the name of petitioner.

Since nothing has been recovered from the vehicle, there is no question of submission of any surety bond in view of the judgment of the Hon'ble Division Bench of this Court.

Learned counsel on instructions has submitted that the vehicle is lying in the local police station and some of the parts have been dismantled.



The concerned Officer in charge is directed to ensure that the vehicle is released in the same condition in which the seizure has been made.

The writ petition is allowed with directions above.

(Jyoti Saran, J)

(Nilu Agrawal, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
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