

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16353 of 2018

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Mantu Kumar Son of Late Satya Narayan Prasad, Resident of Makhdum Sarai, Tarwar More, P.S.- Siwan Town, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar and Ors
2. The Collector-cum-District Magistrate, Siwan.
3. The Superintendent of Excise, Siwan.
4. The Superintendent of Police, Siwan.
5. The Officer Incharge, Panchrukhi P.S. Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ravi Bhushan Verma, 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 Tempo bearing No. BR-29PA-3010, Chasis No.MCGOOGD4E 1481086, Engine No. R4D2483096 which has been seized by the police in connection with Pachrukhi P.S. Case No. 191 of 2018 registered for the offence under Sections 30 (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.

The writ petition is allowed with directions above.

(Jyoti Saran, J)

(Nilu Agrawal, J)

Bibhash/-

AFR/NAFR	
CAV DATE	NA
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