

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16649 of 2018

Md. Furkan, Son of Md. Rijwan, Resident of Village- Suryapura, Mant Tola
Chakmasthan, P.S.- Surajgarha, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Collector, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Excise Superintendent, Barh, District- Patna.
5. The S.H.O. Maranchi P.S., District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Respondent/s : Mr.Kumar Manish- SC5

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 04-02-2019

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

The petitioner prays for provisional release of the
Bajaj Discover Motorcycle bearing Registration No. BR-10S-
0872, Chasis No. MD2A52BZ6ERK53799, Engine No.
JEZREK03675, which has been seized in connection with
Maranchi P.S. Case No. 21 of 2017 for the offences punishable
under section 30(a) of the Bihar Prohibition and Excise Act.

It is stated by learned counsel for the petitioner that



confiscation proceeding is yet to be initiated and the vehicle is lying under the open sky in the police station. Learned counsel for the petitioner further submits that as per seizure list attached to the F.I.R., 375 ml. Royal Stag Whisky has been recovered from the pocket of one Lalu Kumar, not from the petitioner. He submits that even when no recovery has been made from the vehicle in question, yet it has been seized.

Having heard learned counsel for the parties and taking note of the nature of seizure made as well as the fact that the confiscation proceeding is yet to be initiated, we direct that the vehicle in question be released forthwith within a fortnight in favour of the petitioner on production of ownership and registration with respect to vehicle in question in his name before the officer-in-charge of the Maranchi Police Station.

This writ petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

mcv/-

AFR/NAFR	NAFR
CAV DATE	N/A
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