

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19679 of 2018

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Santan Kumar @ Rakesh Kumar aged about 36 years, Son of Chandeshwar Prasad Singh, Resident of Village- Bajitpur, P.S. Bikram, District-Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Excise Department, Patna
2. The Collector of Patna.
3. The Superintendent of Police, Patna.
4. The State House Officer, Bikram Police Station, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Suraj Narain Yadav

For the Respondent/s : Mr.Kumar Manish- Sc5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 08-04-2019

None appears on behalf of the petitioner.

Prayer in this writ petition is for provisional release of Hero Splendor Pro Motorcycle bearing Registration No. BR-01CR-0966, which has been seized in connection with Bikram P.S. Case No. 127 of 2017 for the offences punishable under Section 30(A) of the Bihar



Prohibition and Excise Act.

Mr. Madan Mohan, learned AC to SC 5 appearing for the State submits that the seizure list does not show any recovery from the motorcycle in question although some recovery was made from Scorpio vehicle.

We have heard learned counsel for the State, perused the records and also examined the seizure list which confirms the submissions made by the learned counsel appearing for the State regarding absence of recovery from the motorcycle in question, rather the liquor in question was recovered from Scorpio vehicle.

In such circumstances 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 favour of the petitioner within a period of 14 days of receipt/production of a copy of this order subject to production of the document showing the ownership of the vehicle and registration certificate by the petitioner.

Since no recovery was made from the vehicle in question, there is no question of initiation of confiscation



proceeding in respect of the vehicle in question nor there is any requirement of furnishing any surety as well.

With the observation/directions above, this writ petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

mcv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.04.2019
Transmission Date	NA

