

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.943 of 2019

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Balister Singh @ Bairistar Kumar Singh S/o Mathura Prasad Singh Resident
of Village- Rampur, P.S.- Kudra, District- Kaimur

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna
2. The District Magistrate, Kaimur
3. The Superintendent of Police, Kaimur
4. The Officer-In-Charge, Kudra, P.S.- Kudra, District- Kaimur

... .. Respondents

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Appearance :

For the Petitioner/s : Mr Ashok Kumar Prasad
For the Respondent/s : Mr. Kumar Manish

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 10-05-2019

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

The petitioner prays for provisional release of his
motorcycle bearing registration No. BR-45F-0885 which has been
seized in connection with Kudra P.S. Case No. 487/2018 for the
offences punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2016.

Learned counsel for the petitioner submits that there is no
recovery from the motorcycle as it is also confirmed from the seizure
list. The recovery was made from the paddy field of Ramchandra
Sharma.



Having heard learned counsel for the parties 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 question in favour of the petitioner within a week on furnishing/production of the document showing the ownership of the vehicle and registration certificate in the name of the petitioner supporting the claim of the petitioner before the designated court below because neither the F.I.R. nor the seizure list reflects any reason for proceeding to be continued against the motorcycle in question.

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

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

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.05.2019
Transmission Date	NA

