

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.881 of 2019

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Aarzoo D/o Yogendra Singh R/o House no.65, Block Gali no.9, Sangam Vihar, South Delhi, at present village-Pilui Daudpur, P.S.-Daudpur, District-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Collector, District-Saran.
4. The Superintendent of Police, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bishwajeet Singh
For the Respondent/s : Mr.Vikash Kumar

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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 representing the State.

Petitioner has prayed for provisional release of the vehicle (motorcycle) bearing Registration No. BR 04U 1140, which has been seized by the police in connection with Manjhi P.S. Case No. 285 of 2018 registered for the offence under Section 37 (a) 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 or the possession of the petitioner nor it is the allegation that the motorcycle was being used for such transaction. It is submitted that liquor was recovered from the bag of accused Arif Khan and no confiscation proceeding is pending.

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)

Bibhash

(Anjani Kumar Sharan, J)

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

