

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13285 of 2019**

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Vivek Kumar, S/o Surendra Das, R/o Village- Motipur, P.S. Tajpur, District-  
Samastipur

... .. Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Excise Department,  
Govt. of Bihar, Patna
2. The Excise Commissioner, Govt. of Bihar, Patna
3. The District Magistrate, Samastipur
4. The Superintendent of Police, Samastipur
5. The Excise Superintendent, Samastipur
6. The Station House Office, Dalsisngsarai (Ghatho), P.S. District- Samastipur

... .. Respondents

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**Appearance :**

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate  
For the Respondent/s : Mr.Vikash Kumar ( SC11 )

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

3      21-01-2020                      Heard learned counsel for the petitioner and the  
respondents.

The petitioner prays for release of the Honda Sine  
Motorcycle bearing Registration No. BR-33AC-2090, and his mobile  
and cash Rs. 9000/- seized in connection with Dalsingsarai (Ghatho)  
P.S. Case No. 118/2018, registered for the offence under Sections  
272, 273, 34 of the Indian Penal Code and 47, 30(a), 38(d), 35(a),  
35(d), 38(1), 38(2) of the Bihar Prohibition & Excise Act, 2016.

Learned counsel for the petitioner invites our attention to  
the order dated 18<sup>th</sup> January, 2020 passed in CWJC No. 3245 of 2017  
titled as Manish Kumar Chaudhary Vs. The State of Bihar & Ors. and



prays for disposal in terms thereof.

As such, as prayed for, on mutually agreed terms, we dispose of the present petition in terms of the order dated 18<sup>th</sup> January, 2020 passed in CWJC No. 3245 of 2017 titled as Manish Kumar Chaudhary Vs. The State of Bihar & Ors. making the terms contained therein, applicable mutatis mutandis, insofar as applicable, also to the instant petition. The terms of the said order shall be deemed to have been incorporated and read as a part and parcel of the present order.

It shall be obligatory on the part of the instant parties to place on record of the authorities under the provision of the Bihar Prohibition and Excise Act, 2016, a copy of not only the order passed in the instant petition, but also that of CWJC No. 3245 of 2017 titled as Manish Kumar Chaudhary Vs. The State of Bihar & Ors. which can be conveniently downloaded from the internet.

No order as to costs.

Petition stands disposed off in the aforesaid terms.

**(Sanjay Karol, CJ)**

**( Anil Kumar Upadhyay, J)**

P.K.P./ Sushma-

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