

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Writ Jurisdiction Case No.2195 of 2018**

Arising out of Bodh Gaya P.S. Case No. 325 of 2018, District Gaya

=====

Amit Sonkar S/o Rajendra Prasad Sonkar, R/o Koyri Bandh Near Shahu  
Dharamshala, P.S.- Jhariya, District- Dhanbad (Jharkhand).

.... .... Petitioner

Versus

1. The State of Bihar, Through Principal Secretary, Prohibition, Excise  
And Registration Department, Govt. of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Superintendent of Excise, Gaya.
4. The Superintendent of Police, Gaya.
5. The Officer in Charge of Bodh Gaya P.S., District- Gaya.
6. Investigating Officer, Bodh Gaya P.S. Case No. 325/18, P.S.- Bodh  
Gaya, District- Gaya.

.... .... Respondents

=====

**Appearance :**

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Respondent/s : Mr. Anil Kumar Sinha (GA-1)

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN  
PRASAD**  
**ORAL ORDER**

2      26-09-2018                      Heard learned counsel for the petitioner and learned  
counsel representing the State.

Petitioner has prayed for release of the vehicle Maruti  
Swift Dzire Car bearing Reg. No. JH-10AV-2844, Engine  
No. DI3A2500111, Chassis No. MA3FJEB1S00657016, which has  
been seized in connection with Bodh Gaya P.S. Case No. 325 of  
2018 for the offence under Sections 272, 273 and 120(B) of the  
IPC and Section 30(A) of the Bihar Prohibition and Excise Act,  
2016.

It is submitted that nothing has been recovered from



the vehicle of this petitioner. Learned counsel refers the seizure list and submits that so far as this vehicle is concerned, no recovery has been made from this vehicle. It is submitted that the seizure of the vehicle in question is in the teeth of the judgment of the Hon'ble Division Bench of this Court in the case of **Diwakar Kumar Singh Vs. The State of Bihar and Ors.** reported in **2018(3) PLJR 403.**

Learned counsel for the State is present.

Considering the facts and circumstances of the case, this Court would direct the provisional release of the vehicle Maruti Swift Dzire Car bearing Reg. No. JH-10AV-2844, Engine No.DI3A2500111, Chassis No.MA3FJEB1S00657016 on the personal surety bond of the petitioner to the satisfaction of the learned court below for the present value of the vehicle indicated in the insurance document.

Let the vehicle be released within a week after submission of the surety bond.

This application stands disposed off, accordingly.

**(Rajeev Ranjan Prasad, J)**

Arvind/Ved/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

