

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2473 of 2018

Arising Out of PS. Case No.-507 Year-2018 Thana- KATIHAR District- Katihar

Sanjay Kumar Yadav @ Sanjay Yadav, Son of Charku Yada @ Ram Bacchan
Yadav, Resident of Village- Barmasia, P.S.- Sahayak, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary Department of Excise,
Government of Bihar, Patna.
2. The Collector, Katihar.
3. The Superintendent of Police, Katihar.
4. The Officer-in-Charge of Nagar Sahayak Police Station, District- Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar
For the Respondent/s : Mr. Vikash Kumar (Sc-11)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-10-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner is seeking provisional release of the
vehicle being Honda City bearing registration No. HR-26-BB-
5778 seized in connection with Nagar (Sahayak) P. S. Case No.
507 of 2018.

Learned counsel for the petitioner submits that
nothing has been recovered from the vehicle in question and
therefore, the very seizure is illegal. It is submitted that the
driver of the vehicle in question was found in drunken
condition. It is also submitted that no confiscation proceeding
has been initiated in respect of the vehicle.



Learned counsel for the State is present.

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.

This application stands disposed off, accordingly.

(Rajeev Ranjan Prasad, J)

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