

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2302 of 2018

Arising Out of PS. Case No.-251 Year-2018 Thana- KADWA District- Katihar

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Ram Pravesh Uraon S/o Jogendra Uraon , R/o Gaushala Uraon Tola, P.S.-
Kadwa, Distt.- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Excise Deptt.
2. The District Magistrate, Katihar.
3. The Superintendent of Police, Katihar.
4. The S.H.O. Kadwa Police Station.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh
For the Respondent/s : Mr. Anil Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-10-2018 This application has been filed by the petitioner seeking release of the vehicle Motorcycle bearing Registration No. BR39Y-0618 which has been seized in connection with Kadwa P. S. Case No. 251 of 2018 registered for the offences under Sections 279, 337 and 338 of the Indian Penal Code and Sections 37 (b) of Bihar Prohibition & Excise Act.

Learned counsel for the petitioner submits that the petitioner was found in drunken condition while driving the vehicle which met with an accident.

Learned counsel submits that the vehicle has been seized by the Police and it is lying under open sky. Over the period it is likely to become a junk and useless. It is submitted



that the brother of the petitioner is the owner of the vehicle and is ready and willing to provide the sureties and to abide by such terms and conditions which may be imposed by the Court for the purpose of release of the vehicle in question.

Learned counsel for the petitioner submits that no liquor has been recovered from the vehicle, therefore, in view of the judgment of the Division Bench of this Hon'ble 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**, the vehicle should not be seized in connection with the case under the provision of the Bihar Prohibition & Excise Act.

Under the given facts and circumstances, this Court directs that when the owner of the vehicle in question produces the document of ownership and registration of the vehicle in question in his favour in the court below and makes an appropriate application for release of the vehicle the same shall be considered by the court below. While considering such application on behalf of the owner for release the court below will keep in mind the judgment of the Division Bench of this Hon'ble Court and the same shall not be rejected only on the ground that the vehicle has been seized in connection with a



case registered under the provision of the Bihar Prohibition & Excise Act, 2016. Such application shall be considered and disposed off within a period of 30 days from the date of filing of said application.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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