

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17508 of 2018

Mr. Kripa Shankar Sharma Son of Late Basudeo Thakur Resident of Village - Dubha, PS - Sakra, Distt - Muzaffarpur presently residing at B/6, CDA Colony North Shastri Nagar, Patna registered owner of Maruti Alto VXIBS4ANR46DG bearing Chassis no. MA3EUA61S00756873 Engine No. F8DN5530314 and Registration No. BR01CP4364.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Bihar Old Secretariat Bailey Road, Patna.
2. The District Magistrate, Muzaffarpur.
3. The S.P. Muzaffarpur.
4. The Excise Superintendent Muzaffarpur.
5. The Traffic S.P. Muzaffarpur.
6. The SHO Brahampura, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma
For the Respondent/s : Mr. Pawan Kumar, AC to GA-1

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

3 19-12-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for provisional release of the vehicle Maruti Alto VXIBS4ANR46DG bearing Chassis No. MA3EUA61S00756873 Engine No. F8DN5530314 and registration no. BR01CP- 4364, which has been seized by the police in connection with Brahampura P.S. Case No. 180 of 2018 registered for the offence under Section 279 of I.P.C. and 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. It is submitted that no confiscation proceeding is pending in respect of the vehicle in question.

Learned counsel for the State accepts the factual position as appearing from the records.

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 requirement of furnishing of any surety bond in view of the judgment of the Hon'ble Division Bench of this Court.

This application stands disposed off, accordingly.

(Jyoti Saran, J)

(Rajeev Ranjan Prasad, J)

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