

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20477 of 2018

Farhan Muzaffar S/o Muzaffar Husain R/o- Vill./Mohalla-Alaf Ganj Sivdhara,
P.S. L.N.M.U, Distt.- Darbhanga.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The Collector cum District Magistrate, Samastipur.
3. The S.P Excise Department, Samastipur.
4. The Superintendent of Police, Samastipur.
5. The Station House Officer P.S.- Kalyanpur, Distt.- Samastipur.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Adv.
For the Respondent/s : Mr. Kumar Manish, SC 5

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 22-04-2019

Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner prays for provisional release of his Renault KWID RXT 1.0 OPT new car bearing temporary no. FRBARCF XBA EEAJAPDL QMIL A1099, 567841, permanent registration No. BR06BN4669, Chassis No. MEEBBA001J1567841 and Engine No. B4DA404E109676 which has been seized in connection with Kalyanpur P.S. Case No. 77/2018 for the offences punishable under Sections 272/273/414 of the Indian Penal Code and Sections 47/30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned Counsel for the petitioner submits that no confiscation case has been registered. He submits that neither it is a case



of drunken driving nor any recovery was made rather simply because the car of the petitioner was standing besides a vehicle which was loaded with liquor that the respondent authorities while seizing the vehicle loaded with the liquor has also seized the car of the petitioner.

Having heard learned counsel for the parties and taking note of the circumstances where neither it is a case of drunken driving nor any recovery was made from the car in question, we direct the designated court below to forthwith release the car of the petitioner on furnishing/production of the document showing the ownership of the vehicle and registration certificate in the name of the petitioner supporting the claim of the petitioner within a period of 14 days of the receipt/ production of a copy of this order.

With the observations/directions above, this writ petition is allowed.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

Archana/
Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.05.2019
Transmission Date	NA

