

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3516 of 2019

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Jay Prakash Ram, Son of Nathuni Ram, Resident of Dehri, behind High School, Sichai Colony, P.S. Dehri Nagar, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar and Ors through the Principal Secretary, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas.
3. The S.H.O. Dehri Nagar, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Singh
For the Respondent/s : Mr.Vikash Kumar (Sc11)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 28-02-2019

Heard learned counsel for the petitioner and learned counsel for the State.

This application has been filed seeking provisional release of the vehicle (Tempoo) bearing Registration No. BR-24P-3929, which has been seized in connection with Dehri Nagar P.S. Case No. 832 of 2017 for the offence punishable under Section 279 and 304(A) of the Indian Penal Code and Section 37(b)(c) 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 rather the vehicle has been seized on charge of drunken driving. It is submitted that no confiscation proceeding is pending in respect of the vehicle in question.



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 in favour of the petitioner within fourteen (14) days on production of the document showing the ownership of the vehicle and registration certificate in the name of the petitioner.

With the observations, this writ petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

brajesh/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

