

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9753 of 2019

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Chhote Lal Gupta (Male- 49 years) S/o Late Sita Shah R/o Village-Hardiya
P.S. Bhore Dist.-Gopalganj

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Patna, Bihar
2. The District Magistrate, Siwan
3. The Superintendent of Police, Siwan
4. The Officer In-Charge- Mairwa Police Station, Siwan

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary
For the Respondent/s : Mr. (Gal)

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

Date : 01-05-2019

Leave is granted to learned counsel for the petitioner to correct the statement made in paragraph-6 of the writ petition as regarding the nature of the vehicle seized during the course of the day.

While waiving of the defect, as pointed out by the office, we take up the matter for consideration on merits with the consent of the parties.

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



The petitioner prays for provisional release of his (i) Maruti Suzuki India Wagon-R LX car bearing registration No. UP-53-AQ-0242, Chassis No. MA3EYD1573511 and Engine No. F8DN4344423, (ii) Rs.22,000/- and one mobile of Redmi make manufacturing Company seized from the dickey of the car and (iii) one mobile of Nokia make manufacturing Company, which has been seized in connection with Maiwa P.S. Case No. 35/2018 for the offences punishable under Sections 37(B) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

The allegation against the petitioner is of drunken driving and in such condition, the car, Rs.22,000/- and mobiles have been seized.

Having heard learned counsel for the parties and taking note of the legal positions settled by this 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, we direct for release of the car, Rs.22,000/- and mobiles in question in favour of the petitioner within a week 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 before the designated court below because neither the F.I.R. nor the seizure



list reflects any reason for proceeding to be continued against the vehicle in question.

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.

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

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.05.2019
Transmission Date	NA

