

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7362 of 2019

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Bambam Kumar Poddar, Son of Awadhesh Poddar @ Kishore Poddar, R/o Mohalla-Bal Krishna Nagar (Surkhikal), P.S.-Tilka Manjhi, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Prohibition, Excise and Registration Department of Bihar, Patna.
2. The District Magistrate, Bhagalpur.
3. The Superintendent of Excise, Bhagalpur.
4. The Superintendent of Police, Bhagalpur.
5. The S.H.O. Audyogic Prachatra, P.S.-Tilka Manjhi Bhagalpur, District-Bhagalpur.
6. The Investigation Officer of Bhagalpur, P.S. Case No. 3218 of 2018, District-Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar, Adv.
For the Respondent/s : Mr. Vikash Kumar, SC-11

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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 : 16-05-2019

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

The petitioner prays for provisional release of his Scorpio vehicle bearing Registration No.BR10PA1241, which has been seized in connection with Bhagalpur Industrial Area P.S. Case No.32 of 2018 (District- Bhagalpur) for the offences punishable under sections section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is stated by learned counsel for the petitioner that there is no recovery from the vehicle in question. Undisputedly, there is no recovery from the vehicle as it is also confirmed from the seizure list.



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 vehicle in question in favour of the petitioner within 14 days 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 as 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 observation above, this writ petition is allowed.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

skpathak/-

AFR/NAFR	NAFR
CAV DATE	NA
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