

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5946 of 2019

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Upendra Kumar Sahni, aged about 28 years (Male), S/o Dhora Sahani, R/o Village-Bangahi, P.S. Piar, District-Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna
2. The Divisional Commissioner Excise Department, Patna Division, Patna
3. The District Collector, Muzaffarpur
4. The Superintendent of Police, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha, Advocate
For the Respondent/s : Mr.Vikash Kumar (SC11)

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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 : 23-04-2019

The petitioner prays for provisional release of his Splendor Plus Hero Honda bearing registration No. BR06 S-5288, which has been seized in connection with Bochahan P.S. Case No. 165 of 2018 for the offences punishable under Sections 272, 273, 414, 34 of the Indian Penal Code and Sections 30(a), 32(ii), 38(ii) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is of drunken



driving and in such condition, the vehicle has been seized. Undisputedly, there is no recovery from the vehicle as it is also confirmed from the seizure list.

Learned AC to SC-11 submits that the petitioner is a part of nexus and was in fact escorting the transportation of liquor.

Having heard learned counsel for the parties and taking note of the legal position 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 a fortnight, 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 this observations/directions above, this writ
petition is allowed.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

Nasimul/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01-05-2019
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