

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7149 of 2019

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Hemant Kumar Jha, aged about 25 years (Male), S/o Mohan Kumar Jha Vill.-
Nizampur, P.S.- Athmalgola, Distt.- Patna

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition,
Govt. of Bihar, Patna
2. The District Magistrate-cum-Collector Bhojpur
3. The Superintendent of Police Bhojpur
4. The Officer-in-Charge of Ara Nawada Police Station, Bhojpur

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand
For the Respondent/s : Mr. Vivek Prasad (Gp7)

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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 Tata
Safari vehicle bearing registration No. JH-10N/1051, which has been
seized in connection with Excise Case No. 922/2018 arising out of
Ara Nawada P.S. Case No. 364/2018 for the offences punishable
under Sections 30(a), 38(1)(2), 41(I)(II) and 47 of the Bihar
Prohibition and Excise (Amendment) Act, 2016.

Learned counsel for the petitioner submits that there is no
recovery from the vehicle as it is also confirmed from the seizure list
and the vehicle is seized merely on suspicion.



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 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	21.05.2019
Transmission Date	NA

