

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7491 of 2019

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Krishan Kumar Singh @ Krishan Kumar @ Krishna Kumar Singh, Son of
Chandradeo Prasad Singh, R/o Village-Bhuswar, P.S. Bhibhutipur, District
Samastipur, PIN-848220

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Excise, Bihar,
Patna
2. The District Magistrate-cum-Collector, District-Begusarai
3. The Superintendent of Police, District-Begusarai
4. The Sub Divisional Police Officer, Begusarai
5. The Sub Divisional Officer Manjhaul, Begusarai
6. The SHO, Khodawandpur Police Station, Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.
For the Respondent/s : Mr. Vivek Prasad, GP-7

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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 Alto Car
bearing Registration No.BR33T-0169 Chasis No.
MA3EUA61S00763047 and Engine No.F8DN5536067, which has
been seized in connection with Khodawandpur P.S. Case No.14 of
2018 (District- Begusarai) for the offences punishable under section
section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is stated that the recovery is from the sugar field and
since the car was standing nearby that it has been seized on
suspicion. Learned counsel for the petitioner submits that there is no



recovery from the car.

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
Uploading Date	08.06.2019
Transmission Date	NA

