

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6270 of 2019

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Anil Kumar Son of Ram Narayan Mahto Resident of Village-Haripur, P.S.-
Rosera, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Superintendent of Police, Samastipur.
4. The Station House Officer (S.H.O.), Rosera, District-Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jagdhar Prasad, Advocate
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 : 06-05-2019

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. BR-09W-6616, which has been seized in connection with Rosera P.S. Case No.55 of 2018 for the alleged offence punishable under Sections 30(a)(d), 38 and 47 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel representing the petitioner with reference to the seizure list submits that no recovery was made from his vehicle. 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 position settled by this Court in the case of



Diwakar Kumar Singh Vs. The State of Bihar through the Principal Secretary, Excise Department & Ors. [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 in the case of ***Diwakar Kumar Singh*** (supra).

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

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

mrl./-

AFR/NAFR	NAFR
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