

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7365 of 2019

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Vikash Kumar S/o Sheshnath Sah Resident of Village- Fatehpur, Police Station- Yogapatti, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Excise Department, Bihar, Patna.
2. The Secretary, Law Department, Bihar Old Secretariat, Patna.
3. The District Magistrate, West Champaran, Bettiah.
4. The Superintendent of Police, West Champaran, Bettiah.
5. The Officer-in-Charge, P.S. Yogapatti, District- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajeet Kumar Bhardwaj
For the Respondent/s : Mr.Anil Kumar Sinha (Ga1)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 05-08-2019

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

The petitioner is owner of Jeep and prays for provisional release of his vehicle bearing registration No. HR-20D5060 which has been seized in connection with Yogapatti P.S. Case No. 135 of 2018 for the offences punishable under Section 37(c) of the Bihar Prohibition and Excise Act, 2016 and Section 279 of the Indian Penal Code.

The petitioner is not named in the FIR. He is owner of the vehicle which was being driven by the driver in drunken condition and in such condition, the jeep has been seized. Undisputedly, there is no recovery from the jeep 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 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 jeep in question.

Since nothing has been recovered from the jeep, 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)

(Partha Sarthy, J)

sushma/-

AFR/NAFR	NAFR
CAV DATE	NA
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