

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6685 of 2019

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Ashok Kumar, aged about 46 years (Male), son of Awadh Prasad Singh,
resident of Village- Khoja Gachhi, Police Station- Silao, District Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Prohibition and Excise, Government of Bihar, Patna.
2. The District Magistrate cum Collector, Nawada.
3. The Superintendent of Police, Nawada.
4. The Station House Officer, Narhat Police Station, District Nawada.
5. The Superintendent of Excise, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md.Imteyaz Ahmad, Advocate

For the Respondent/s : Mr.

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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 : 15-05-2019

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

The petitioner prays for provisional release of his
Maruti Suzuki/Alto LX bearing registration No. UP-32-



AZ/3332, which has been seized in connection with Narhat P.S. Case No. 24 of 2019 for the offences punishable under Sections 30(a)/37(b) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that there is recovery of 1 (one) empty bottle of liquor from the dikky of the Car and there is another recovery of 750 ml. of IMFL from the Jacket of one of the occupants of the Car, namely, Uttam Kumar, who is not the owner of the Car.

Having heard learned counsel for the parties and considering that the recovery of liquor is from the possession of the occupant and that the Car was not being used as a means of transportation, we abide by 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* and 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
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