

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6587 of 2019

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Mukesh Kumar @ Mukesh Chaudhary, aged about 35 years, Gender, Male,
Son of Surendra Chaudhary, R/o Village-Shahganj, Professor Colony, P.S.-
Sultanganj, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Bihar, Patna
2. The Excise Commissioner, Bihar Prohibition and Excise Act 2016 Bihar, Patna
3. The Excise Officer, Bihar Prohibition and Excise Act 2016 Bihar, Patna
4. The District Collector, District Patna, Bihar
5. The Superintendent of Police, District Patna, Bihar
6. The Officer in Charge of Sultanganj Police Station, District-Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Respondent/s : Mr. Vikash Kumar (SC11)

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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 : 10-05-2019

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

The petitioner prays for provisional release of his MARUTI
bearing registration No. BR-1AM-6493, Chassis No.
A3EED81300743157, Engine No. F10DN4565826, which has been seized
in connection with Special Case No. 4733 of 2018 arising out of
Sultanganj P.S. Case No. 119 of 2018 for the offences punishable under
Sections 30(a)/ 32(2)/ 41(i) of the Bihar Prohibition and Excise Act, 2016.

It is stated by learned counsel for the petitioner that there is no



recovery from the vehicle as it is also confirmed from the seizure list. It is stated that the confiscation proceeding is pending.

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 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
CAV DATE	N/A
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