

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8975 of 2019

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Dilip Yadav @ Dilip Kumar Son of Brahmdeo Yadav Resident of Village-Duaghoghara, Police Station-Kawakole in the district of Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The Principal Secretary, Excise Department, Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, Nawada.
4. The Superintendent of Police, Nawada.
5. The Officer-in-charge, Roh P.S. in the district of Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Respondent/s : Mr. Kumar Manish (Sc5)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 12-07-2019

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

The petitioner prays for provisional release of his Scorpio vehicle bearing registration No. BR27P1730, Chassis No. MA1TA2TDKJ2H28189 and Engine No. TDJ4H85217 which has been seized in connection with Roh P.S. Case No. 26 of 2019 for the offences punishable under Section 37(B) of the Bihar Prohibition and Excise Act, 2016.

The petitioner is owner of the scorpio vehicle. He was coming from Nawada along with his friends and during course of vehicle checking, his scorpio was intercepted and all the eight persons including the petitioner were found in drunken condition. Undisputedly,



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 District Magistrate, Nawada 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 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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