

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8837 of 2019

Vinod Paswan S/o Sone Lal Paswan Resident of Village-Palkhi Gajpatti @
Pilkhi Gajpatti, P.S. Sakra, Dist.-Muzaffarpur, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Prohibition Excise and Registration Department
Govt. of Bihar, Patna
3. The Excise Commissioner, Prohibition Excise and Registration Department
Govt. of Bihar, Patna
4. The District Transport Officer, Muzaffarpur
5. The District Magistrate-cum-collector, Muzaffarpur
6. The Superintendent of Excise, Muzaffarpur
7. The Superintendent of Police, Muzaffarpur
8. The Officer-in-Charge, Sakra Police Station, Muzaffarpur
9. The Excise Inspector, Chhata Chowk, Muzaffarpur, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh
For the Respondent/s : Mr. Vikash Kumar (Sc11)

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

Date : 11-07-2019

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

The petitioner prays for provisional release of his Maruti
Ciaz Delta bearing registration No. BR06BQ5855, Chassis No.
MA3EXMG1S00340571 and Engine No. K14BN7208708 which
has been seized in connection with Sakra P.S. Case No. 123 of
2019 for the offences punishable under Sections 272 and 273 of



the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

It is submitted by learned counsel for the petitioner that merely because the car of the petitioner was following a pick-up van on which liquor was loaded, on suspicion, his car has been seized. Nothing has been recovered from the said vehicle.

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 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
Uploading Date	22.7.19
Transmission Date	NA

