

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10178 of 2019

=====

Neha Devi W/o Late Ajit Kumar Resident of Village-Sohara Kanchanpur P.S-
Bihta District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through secretary of the Home Department, Bihar, Patna.
2. The collector-cum-District Magistrate, Patna.
3. The Superintendent of Excise, Patna.
4. The Excise Officer, District Patna.
5. The Officer-in-charge of Police Station-Naubatpur District-Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Usha Kumari Singh
For the Respondent/s : Mr.Vivek Prasad (Gp7)

=====

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

Date : 05-08-2019

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

The petitioner prays for provisional release of her Bolero
vehicle bearing registration No. JH05W2909 which has been seized in
connection with Naubatpur P.S. Case No. 90 of 2018 for the offences
punishable under Sections 37(c) of the Bihar Prohibition and Excise
(Amendment) Act, 2016.

The petitioner is wife of the registered owner (since
deceased, who died on 19.10.2017) and the said vehicle was being
driven by the driver who was in drunken state and in such condition, the



vehicle has been seized. Undisputedly, there is no recovery from the vehicle 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(wife of deceased) within a week on furnishing/production of the document showing the ownership of the vehicle and registration certificate in the name of her deceased husband 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	17.8.19
Transmission Date	NA

