

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10114 of 2019

Chandra Mohan Mishra S/o Late Narayan Mishra Resident of Mohalla-
Chuna Bhatti Road, Malighat, P.s.- Muzaffarpur Sadar, Distt.- Muzaffarpur
... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna
2. The Principal Secretary Registration, Excise and Prohibition Department, Govt. of Bihar, Patna
3. The Collector-cum-District Magistrate East Champaran, Motihari
4. The Superintendent of Police East Champaran, Motihari
5. The Superintendent of Excise East Champaran, Motihari

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
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 : 01-08-2019

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

The petitioner prays for provisional release of his Hyundai
Santro Xing Car bearing registration No. BR06X4652, which has been
seized in connection with Chakia P.S. Case No. 224 of 2018 for the
offences punishable under Sections 272, 273 and 290 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

The allegation against the petitioner is of colluding in
transport of illegal liquor and in such condition, the car has been seized.



Undisputedly, there is no recovery from the car as it is also confirmed from the seizure list. In fact, recovery was made from Bolero.

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 motorcycle in question.

Since nothing has been recovered from the car, 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)

Prakash/-

(Partha Sarthy, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

