

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9527 of 2019

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Asha Devi D/o Chandradev Sharma Vill.- Sarauti, P.s.- Rampur Chauram,
Distt.- Arwal, At present House No. 822, Ward No. 07, New Mubarakpur,
Danapur Cantt, P.s.- Danapur, Distt.- Patna Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Govt. of Bihar, Patna
2. The Senior Superintendent of Police Patna, Bihar
3. The Superintendent of Police Excise Department, Distt.- Patna, Bihar
4. The S.H.O. Shahpur Police Station Distt.- Patna, Bihar
5. The Assistant Sub-Inspector Shahpur Police Station, Distt.- Patna, Bihar
6. The Investigating Officer Shahpur Police Station (Shahpur P.S. Case No. 69
of 2019), distt.- Patna, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Parwej Khan, Advocate
For the Respondent/s : Mr.Vikash Kumar (Sc11)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 18-07-2019

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

The petitioner prays for provisional release of her Renault
Kwid Car (Taxi) bearing registration No. BR01PJ2277 Chassis No.
MEEBBA009HB548409 and Engine No. B4DA404E095523 which has
been seized in connection with Shahpur P.S. Case No. 69 of 2019 for
the offence punishable under section 37(C) of the Bihar Prohibition and
Excise Act, 2016.

It is submitted by learned counsel for the petitioner that the
petitioner is owner of the vehicle. The driver of the petitioner along
with two other persons were caught with alleged vehicle (Renault Kwid
Car) in a drunken condition. In such condition, the said vehicle has been



seized. It is further stated that there is no recovery from the said 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 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)

Prakash/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	
Transmission Date	

