

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10646 of 2019**

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Dilip Thakur, Son of Thukran Thakur, resident of Village Yogyara, P.S.-  
Bahadurpur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Principal Secretary, Excise Department, Government of Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The Superintendent of Police, Samastipur.
5. The Thana In Charge, Pusa Police Station Samastipur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Bhubneshwar Prasad  
For the Respondent/s : Mr. Kumar Manish, SC-5

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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 : 08-08-2019**

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

The petitioner prays for provisional release of his Bolero (SLX) vehicle bearing Registration No.BR-32E-5210, which has been seized in connection with Pusa P.S. Case No.93 of 2017 for the offences punishable under sections 115, 350, 353, 414 and 34 of the Indian Penal Code and sections 45, 47 and 48 of the Bihar Prohibition and Excise Act, 2016.

It is stated by learned counsel for the petitioner that the petitioner is the owner of the vehicle and there is no recovery of any kind of liquor from the vehicle in question. It is submitted that the seizure list accompanying the FIR shows recovery of Rs.4,76,000/- from the possession of one Manoj Sah and for the said recovery the



vehicle has been seized; the confiscation proceeding is yet to be initiated and the vehicle is lying lying under the open sky in the police station. 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 within 14 days 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 as 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 observation above, this writ petition is allowed.

**(Jyoti Saran, J)**

**( Partha Sarthy, J)**

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