

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10999 of 2019

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Ashok Kumar @ Ashok Yadav S/o Rauri Shankar Rai @ Gauri Shankar Ray
Resident of Village-Fatehganjpur,P.S. Nadi,Dist.-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Excise Department, Govt. of Bihar, Patna
3. The Collector, Patna
4. The District Magistrate, Patna
5. The Senior Superintendent of Police, Patna
6. The Superintendent of Police, Patna
7. The S.H.O., Nadi Police Station, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jagjit Roshan
For the Respondent/s : Mr. Vivek Prasad (Gp7)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 22-08-2019

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

The petitioner prays for provisional release of his Vehicle
Maruti Wagon R VXi (Maruti Suzuki) bearing registration No.
BR01DD8686 which has been seized in connection with Nadi P.S.
Case No. 66 of 2019/ Special Case No. 2746 of 2019 for the offence
punishable under Section 30(a) (d) of the Bihar Prohibition and Excise
Act, 2016.

It is submitted by learned counsel for the petitioner that the
recovery of 385.56 litres of IMFL has been made from the house of one



Vishwanath Rai. His car was parked outside the said house and there is no recovery from the car 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 car 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.

(Shivaji Pandey, J)

(Partha Sarthy, J)

Prakash/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	30.08.2019
Transmission Date	

