

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14814 of 2019

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Priyanshu Raj @ Ranvir Kumar, Son of Jatashankar Yadav, Resident of
Village- Kamaljari, P.O.- Kapasia, P.S.- Sour Bazar, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary Excise Department, , Government of Bihar, Patna.
3. The Commissioner Koshi Division, Saharsa.
4. The District Magistrate Saharsa.
5. The Superintendent of Police Saharsa.
6. The S.H.O. Sour Bazar Police Station District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Adv.

For the Respondent/s : Mr.Vivek Prasad, GP-7

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

and

HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

3 19-12-2019 Heard learned counsel for the petitioner and learned
AC to GP-7.

The present writ application has been filed for release
of Pick Up van in favour of the petitioner bearing Registration
No. BR11S0873, which has been seized in connection with Sour
Bazar (Patarghat O.P.) P. S. Case No. 426 of 2018, registered for
the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise, Act, 2016, as amended by the
Amendment Act 8 of 2018.

From the vehicle in question, 191.700 litres of Indian
Made Foreign Liquor were recovered.



It is submitted by learned counsel for the petitioner that on the basis of an agreement dated 27.06.2018, the petitioner purchased the said vehicle from one Nitish Kumar, son of Madan Prasad Yadav whereas the present FIR has been registered on 28.07.2018, but till date the ownership of the vehicle in question could not be transferred in the favour of the petitioner.

In the circumstances, we are not inclined to consider the prayer for release of the vehicle in question in favour of the petitioner.

However, the writ application is disposed of with a liberty to the petitioner to take recourse of appropriate remedy after getting the vehicle in question registered in his faouvr.

It is made clear that the present order will not preclude the registered owner of the vehicle in question to take recourse of the appropriate remedy for release of the vehicle in question.

(Dinesh Kumar Singh, J)

(Anil Kumar Sinha, J)

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