

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13616 of 2019

Chandan Kumar, aged about 33 years, Male, Son of Arun Kumar Singh @ Kumar Arun Singh, Resident of Mohalla- Dilawar Gobardhan, Vaishali, P.S.- Gobardhan, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Vaishali.
2. The Superintendent of Police, Vaishali.
3. The Deputy Superintendent of Police, Vaishali.
4. The Station House Officer Vaishali Town, Vaishali.
5. The Superintendent of Excise, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar
For the Respondent/s : A.C. to S.C. - 11

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAKESH KUMAR)

2 27-09-2019 Heard Sri Manoj Kumar, learned counsel for the petitioner and learned A.C. to Standing Counsel No. 11.

The petitioner, claiming to be registered owner of a four wheeler has invoked writ jurisdiction of this court under Article 226 of the Constitution of India for directing the respondents to release his vehicle, which has been seized in connection with Excise Case No. 383 of 2019 {arising out of Vaishali Town P.S. Case No. 553 of 2019}, registered under Section 30(A)/ 32 (2) of the Bihar Prohibition and Excise Act, 2016.

On perusal of the F.I.R. it is evident that in column no. 7 i.e. '*accused column*' the owner of the vehicle and driver and other two were made accused however, on being asked Sri Manoj Kumar, learned counsel for the petitioner submits that



petitioner has neither been bailed out nor he has surrendered before the court below.

The court is of opinion that if a person approaches the High Court invoking writ jurisdiction, then basic principle is that he must come with clean hands. Meaning thereby, that petitioner in the present case has not come with clean hands and as such, it would not be appropriate to interfere at the moment.

After noticing the observation of this court, Sri Manoj Kumar, learned counsel for the petitioner requested for disposal of the present writ petition granting liberty that as and when petitioner is granted bail, the petitioner may file fresh writ petition for the release of the four wheeler in question.

The prayer is allowed.

The writ petition stands disposed of with liberty as indicated above.

(Rakesh Kumar, J)

(Anjani Kumar Sharan, J)

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