

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14393 of 2019

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Suman W/o Rajeev Ray@ Chhotu, R/o Adalatganj Jhoparpatti, P.S. Kotwali,
Distt. Patna , at Present 72, Block- C4 Nangli Vihar Extn Baprola, Nalagarh,
Nalagarh, South West Delhi- Delhi- 110043 Petitioner/s

Versus

1. State of Bihar through Secretary Department of Excise, Bihar Patna.
2. The Secretary, Department of Excise, Bihar, Patna.
3. The District Magistrate Cum Collector, Patna.
4. The S.H.O., Kotwali, P.S. Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Advocate
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 : 02-09-2019

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

The petitioner prays for provisional release of his Maruti
Dzire Car bearing registration No. BR01CE2083 which has been seized
in connection with Kotwali P.S. Case No. 281 of 2018 for the offence
punishable under sections 30(a), 38(1)(2), 44(1), 56(D)(E), 37(b) of the
Bihar Prohibition and Excise Act, 2016.

It is submitted by learned counsel for the petitioner that there
is no recovery of liquor from his vehicle. Only a diary mentioning
details of liquor has been recovered. Undisputedly, 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 vehicle 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	
CAV DATE	
Uploading Date	
Transmission Date	

