

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18418 of 2019

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Sunil Prasad, Son of Ram Jivan Mahto, Resident of Village- H.No. 36, Sunil Kirana Store, Road No. 10, Near Buddh Mandir, Mahamudi Chak, Sampat Chak, Patna, Rajendra Nagar, Bihar- 800016.

... .. 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, Patna.
4. The Superintendent of Police, Patna.
5. The Thana Incharge, Kadamkuan Police Station, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Umesh Tiwari, Advocate
For the Respondent/s : Mr.Vivek Prasad (GP-7)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

Date : 16-12-2019

Heard learned counsel appearing for petitioner as well as learned counsel appearing for State.

2. Petitioner has prayed for release of his e-rickshaw bearing registration no. BR-01ER-2588 which was seized in connection with Kadamkuan P.S. Case No. 433 of 2019 when the driver of the aforesaid rickshaw was found in drunken state.

3. Admittedly, nothing was recovered from the aforesaid seized e-rickshaw and it has specifically been pleaded by the petitioner that confiscation proceeding in respect of seized e-rickshaw has not been initiated.



4. A Division Bench of this court in **Diwakar Kumar Singh vs. The State of Bihar through the Principal Secretary Excise Department and Ors. reported in 2018 (3) PLJR 403** has already held that if recovery of illicit liquor is not made from the seized vehicle, the said vehicle can be released in favour of its owner.

5. Taking note of the above-stated principle, as laid down by Division Bench of this court in the aforesaid case as well as facts and circumstances of the present case, this writ petition stands allowed, and, it is ordered that e-rickshaw bearing registration no. BR-01ER-2588 be released in favour of the applicant on execution of bond of Rs. 1,00,000/- (One lakh) and after verification of original documents of the aforesaid vehicle, subject to condition that the petitioner shall produce the aforesaid vehicle whenever and wherever the aforesaid vehicle is required by the court and, furthermore, the petitioner shall not alienate or transfer the seized vehicle without prior permission of the court.

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)

vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.12.2019
Transmission Date	

