

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.128 of 2019

In
Criminal Writ Jurisdiction Case No.2473 of 2018

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Sanjay Kumar Yadav @ Sanjay Yadav Son of Charku Yada @ Ram Bacchan
Yadav Resident of Village- Barmasia, P.S.- Sahayak, District- Katihar.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna.
2. The Collector, Katihar.
3. The Superintendent of Police, Katihar.
4. The Officer In- Charge of Nagar Sahayak Police Station, District- Katihar.
5. The District Transport Officer, Katihar

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
Mr. Priya Ranjan, Advocate

For the Opposite Party/s : Mr. Rewati Kant Raman, AC to SC 11

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 05-02-2020 Learned counsel for the petitioner submits that for purpose of release of the vehicle in question in terms of order dated 25.10.2018 passed in Cr.W.J.C. No. 2473 of 2018 he is required to produce the document of ownership but because the District Transport Officer, Katihar is not accepting his application with requisite fee for transfer of the ownership in the owner book / registration certificate, he is unable to produce the same.

A show cause has been filed on behalf of the District Transport Officer (respondent no. 5) in which he has stated that for purpose of transfer of the vehicle the presence of the vehicle is required to be shown by the person who is seeking transfer and because in the present case the vehicle has been seized in connection



with this case, the vehicle is not being produced and presently no application for transfer of the vehicle is pending with his office.

This seems to be a peculiar situation where the order dated 25.10.2018 passed in Cr.W.J.C. no. 2473 of 2018 has remained un-executed for over one year because of this technicality. In the circumstances, this Court deems it just and proper and in the interest of justice to modify its order dated 25.10.2018. It is to be noted that in this case no illicit liquor has been recovered from the vehicle and in view of the Hon'ble Division Bench judgment of 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**, the vehicle was ordered to be released.

In the present circumstance, since the registration and transfer of the ownership is not possible without showing the vehicle, let the vehicle be released in favour of this petitioner without calling upon him to produce the document of ownership of the vehicle. The order be given effect to forthwith.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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