

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2310 of 2024

Arising Out of PS. Case No.-167 Year-2024 Thana- BIKRAMGANJ District- Rohtas

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Vidya Sagar Singh Son of Lal Bahadur Singh Resident of Village- Damdiha,
Awarahi, P.S.- Dawath, Distt.- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Deptt. of Registration and Excise of Bihar, Patna Bihar
2. The District Magistrate, Rohtas at Sasaram Bihar
3. The Superintendent of Police, Rohtas at Sasaram Bihar
4. The Officer-Incharge Police Station Bikramganj, Rohtas Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta
For the Respondent/s : Mr. G.P.3

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 07-07-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This application has been filed for quashing the order dated 13.08.2024, passed by the learned Exclusive Special Judge, Excise Court No.01, Sasaram, Rohtas in Connection with Bikramganj P.S. Case No.167 of 2024 registered for the offences under sections-279,427 of the I.P.C. and Sections 37 of the Bihar Prohibition and Excise Act, whereby the learned Special Judge, has rejected the prayer of the petitioner for release of the Chevrolet Beat Car (Colour SB Silver) bearing registration No.JH15AC3158.



3. It has been contended by learned counsel for the petitioner that the driver of the vehicle was driving a car and said car met with an accident. It was found that the driver had consumed liquor. The petitioner is the registered owner of the vehicle in question.

4. Learned counsel for the petitioner has relied upon the judgment dated 12.09.2023 passed by this Court in ***Vikash Kumar Singh vs. The State of Bihar & Ors.*** (Cr.W.J.C. No. 468 of 2023) and has submitted that the vehicle may be released in his favour.

5. Learned counsel for the State has submitted that no confiscation proceeding is pending for confiscation of the vehicle in question.

6. In view of the law laid down by the Hon'ble Supreme Court in the case of ***Sundarbhai Ambalal Desai vs. State of Gujarat*** reported in 2002 (10) SCC 283 and ***Vikash Kumar Singh*** (supra), the vehicle in question deserves to be released.

7. Accordingly, the order dated 13.08.2024 passed by the learned Exclusive Special Judge, Excise Court No.01, Sasaram, Rohtas in Bikramganj P.S. Case No.167 of 2024, is set aside and the vehicle, in question, is directed to be released



in favour of the petitioner after verifying the ownership/registration of the vehicle within a period of two weeks from the date of receipt/production of a copy of this order, subject to the following conditions:-

(i) That the petitioner shall furnish security of Rs.2,00,000/- (Rupees Two Lakh only) for Chevrolet Beat Car (Colour SB Silver) bearing Registration No.JH15AC3158, to the satisfaction of the concerned authority.

(ii) That before handing over the vehicle to the petitioner, a detailed and proper *punchnama* of the said vehicle after taking its photograph shall be prepared.

(iii) That the petitioner shall also execute a bond that the vehicle, in question, shall be produced as and when required at the time of trial.

(iv) That the petitioner shall also furnish an undertaking on oath that he shall not alienate or part with the ownership of the vehicle till pendency of the trial.

8. In the result, this writ application is allowed with the aforesaid observations and directions.

(Sandeep Kumar, J)

anand/-

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