

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.533 of 2019**

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Sudhir Ojha @ Sudhir Kumar Ojha, son of Surendra Ojha, Resident of  
Mohalla- Khabra, P.S. Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,  
Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur.
5. The Superintendent of Excise, Muzaffarpur.
6. The S.H.O., Kazi Mohammadpur Police Station, District- Muzaffarpur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Bhavesh Kumar, Advocate  
For the Respondent/s : Mr.Vikash Kumar -SC11

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**and**  
**HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)**

**Date : 03-05-2019**

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

The petitioner prays for provisional release of his  
motorcycle bearing registration No. BR06AE-5419, which has  
been seized in connection with Kazi Mohammadpur P.S. Case  
No. 365 of 2018 for the offences punishable under Sections 341,



323, 504, 506 of the Indian Penal Code and Section 37(A), (B) and (C) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the son of the petitioner is of drunken driving and in such condition, the vehicle has been seized. Undisputedly, there is no recovery from the vehicle 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 fortnight, 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 vehicle, 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 this observations/directions above, this writ  
petition is allowed.

(Jyoti Saran, J)

( Anjani Kumar Sharan, J)

mrl./-

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