

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1932 of 2019

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Ramashankar Prasad Son of Dharmaraj Seth, Resident of Village-Nokha,
Police Station-Nokha, District-Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department, Govt. of Bihar, Patna.
2. The District Magistrate, District Rohtas.
3. The Superintendent of Police, District Rohtas.
4. District Transport Officer, Rohtas.
5. The Officer Incharge, Baghela Police Station, District-Rohtas.
6. The State of Bihar through the Principal Secretary, Excise Deptt. Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Adv.
For the Respondent/s : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 04-02-2019

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

The petitioner prays for provisional release of his Ex-Micro Hybro Scorpio bearing Registration No.BR24P/4929 which has been seized in connection with Baghila P.S. Case No.45 of 2017 (District- Rohtas) for the offences punishable under sections 37(B) of the Bihar Prohibition and Excise Act, 2016.

The allegation against 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 14 days 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 Officer-in-Charge, Baghila Police Station, District- Rohtas as 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 the observation above, this writ petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Anjula/Skpathak

AFR/NAFR	NAFR
CAV DATE	NA
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