

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2235 of 2019

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1. Guddu Kumar @ Kamlesh Ram, S/o-Shri. Binod Choudhary, R/o- Village-Sandi, P.S.-Kutumba, Dist- Aurangabad
 2. Akhilesh Choudhary, S/o- Parmeshwar Choudhary, Resident of Biratpur Jhopra, P.S. + District-Aurangabad Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna
2. The District Magistrate-cum-Collector, Aurangabad
3. The Senior Superintendent of Police Aurangabad
4. The Incharge of Simra Police Station, Aurangabad

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Rajendra Singh, Adv.
For the Respondent/s : Mr. Vivek Prasad, GP 7

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 07-02-2019

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

The petitioners pray for provisional release of their motorcycles bearing Chassis No. MBLHAR078JHA37773 & Engine No. HA10AGJHA41885 and registration No. BR26M4742 which belong to petitioner no.1 and petitioner no.2 respectively, and have been seized in connection with Simra P.S. Case No. 47/2018 for the offences punishable under Sections 30a, 37(b), 37(c) of the Bihar Prohibition and Excise Act.

The allegation against the petitioners is of drunken driving and in such condition, the vehicles have been seized. Undisputedly, there is no recovery from the vehicles 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 vehicles in question in favour of the petitioners within a week on furnishing/production of the document showing the ownership of the vehicles and registration certificate in the name of the petitioners supporting the claim of the petitioners before the Officer-in-Charge, Simra Police Station as because neither the F.I.R. nor the seizure list reflects any reason for proceeding to be continued against the vehicles in question.

Since nothing has been recovered from the vehicles, 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 observations/directions above, this writ petition is allowed.

(Jyoti Saran, J)

Archana/
Surendra/-

(Arvind Srivastava, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.02.2019
Transmission Date	NA

