

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1930 of 2019

=====

Gaurav Kumar Singh Vikramaditya Singh @ Vikramadit Singh Resident of
Ayodhpur, P.O.- Reve, P.S.- Saraiya, District- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar and Ors Bihar
2. The Principal Secretary, Prohibition Department, Government of Bihar, Patna
3. The Excise Commissioner, Prohibition Excise and Registration Department,
Government of Bihar, Patna
4. The District Transport Officer, Muzaffarpur
5. The District Magistrate-cum-Collector, Muzaffarpur
6. The Superintendent of Excise, Muzaffarpur
7. The Superintendent of Police, Muzaffarpur
8. The Officer-in-Charge, Saraiya Police Station, Bihar
9. The Excise Inspector, Muzaffarpur, Bihar

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Amit Pandey
For the Respondent/s : Mr.Vivek Prasad (Gp7)

=====

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
motorcycle (TVS APACHE RTR 160 DRUM) bearing Chasis No.
MD637AE79J2H81431 and Engine NoAE7HJ2478543 which has
been seized in connection with Saraiya P.S. Case No.475 of 2018
(District- Muzaffarpur) for the offences punishable under sections
406, 420, 467 and 468 of the Indian Penal Code read alongside the
provisions 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, Saraiya Police Station, District- Muzaffarpur 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)

Skpathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.02.2019
Transmission Date	NA

