

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2711 of 2019

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Ram Kumar Singh (Male, aged about 54 years, son of Late Rang Singh
Resident of Village-Mirganj, P.S.-Nagar Ara, District-Bhojpur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of
Registration of Bihar and Prohibition, Govt. of Bihar, Patna
2. The Excise Commissioner, Bihar, Patna
3. The District Collector-Cum-District Magistrate, Siwan
4. The State of Bihar, through the Director General of Police Bihar, Patna
5. The Superintendent of Police Siwan
6. The Officer-in-Charge of Police Station, Jiradei, Siwan

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Surj Bansh Roy
For the Respondent/s : Mr. Vikash Kumar (Sc11)

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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 : 18-02-2019

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

The petitioner prays for provisional release of his Passion
Pro motorcycle bearing registration No. BR03L0843, Chassis No.
MBLHA 10 AW CGF52806 and Engine No. HAI0ENC GF23779
which has been seized in connection with Jiradei P.S. Case No.
99/2017 for the offences punishable under Sections 37(B) of the
Bihar Prohibition and Excise (Amendment) Act, 2016.

The allegation against the petitioner is of drunken driving
and in such condition, the motorcycle has been seized. Undisputedly,



there is no recovery from the motorcycle 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 week 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 motorcycle in question.

Since nothing has been recovered from the motorcycle, 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)

(Arvind Srivastava, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.02.2019
Transmission Date	NA

