

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2884 of 2019

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Ashutosh Kumar Singh, Age 29 years, Male S/o- Shailendra Kumar Singh,
R/O- Sakraili, P.S.- Barari, Distt.- Katihar,

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Excise Deptt. Patna.
2. The District Magistrate, Katihar.
3. The Superintendent of Police, Katihar.
4. The S.H.O. Barari (Semapur) Police Station, Katihar

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh
For the Respondent/s : Mr. Kumar Manish (Sc5)

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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 Pick up
Van bearing registration No. BR-11L-2960, which has been seized in
connection with Barari (Semapur) P.S. Case No. 469/2018 for the
offences punishable under Sections 279, 337, 338 of the Indian Penal
Code and 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 Pick up Van 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 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 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 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

