

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3232 of 2019

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Pramod Kumar Sah @ Pramod Sah @ Pramod Kumar, ag3e about 38 years,
Male, Son of Late Ram Lakhan Sah @ Ramlakhan Prasad, R/o Muhallah-
Imamganj, P.S. Nagar, Muzaffarpur, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Deptt. of Excise and Prohibition and Registration Department Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate cum Collector, Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur.
5. The Officer, In Charge, Mithanpura, Thana- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raja Ram Rai
For the Respondent/s : Mr.Vivek Prasad (GP7)

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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 : 22-02-2019

Heard learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner prays for provisional release of his
Maruti Van bearing registration no. BR-29-8218, which has



been seized in connection with Case No. 391 of 2018 for the offences punishable under section 37 (b) (c) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is of drunken driving and in such connection, the vehicle has been seized. Undisputedly, there is no recovery from the vehicle as it is also confirmed from the first information report.

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 at Muzaffarpur because the F.I.R. does not reflect 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 this observation/directions above, this writ
petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

mcv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.03.2019
Transmission Date	NA

