

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3363 of 2019

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Krishna Kumar @ Krishna Kumar Sah, Son of Late Devendra Prasad Sah,
resident of Village- Manohar Pur, P.S.- Manihari, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department Govt. of Bihar, Patna.
2. The District Magistrate, Katihar.
3. The Superintendent of Excise, Katihar, District- Katihar.
4. The A.S.I. Manihari, Police Station, District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Md. Musowir
For the Respondent/s : Mr. Anil Kumar Sinha (GA1)

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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 : 28-02-2019

Leave is granted to learned counsel for the petitioner to correct the registration number of the vehicle occurring at paragraph-4 and in the prayer portion of the writ petition during the course of the day.

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

The petitioner prays for provisional release of his Hero Splendor Plus Motorcycle bearing registration No. BR-39U0582, Chassis No. MBLHA106607HH54251, Engine No.



HAIOARGHH85652, which has been seized in connection with Nanihari P.S. Case No. 293 of 2018 for the offence punishable under section 37(b) 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 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 this observations/directions above, this writ
petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.03.2019
Transmission Date	NA

