

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16406 of 2018

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Anil Kumar son of Awadhesh Kumar Singh @ Awadhesh Kumar Sinha
resident of village - Bangara Nijamat, Shiv Nagar, P.S. - Sahebganj, District
Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Patna, Bihar.
2. The Collector/District Magistrate, Muzaffarpur.
3. The Superintendent of Police, Muzaffarpur.
4. The Excise Superintendent, Muzaffarpur.
5. The Excise Inspector, Muzaffarpur.
6. The Officer-In-charge Saraiya P.S. Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
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 : 28-01-2019

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

The petitioner prays for provisional release of
his Hero Glamour Motorcycle bearing Engine No.
JA06ERHGK39814 and Chassis No.
MBLIAR022HGK28592, which has been seized in
connection with Saraiya P.S. Case No. 153 of 2018 for the
offences punishable under section 279 Indian Penal Code
read along with side provisions under section 37(a)(b)(c) 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 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 this observation above, this writ petition is
allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

shailendra/Nasimul

AFR/NAFR	NAFR
CAV DATE	N/A
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