

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4459 of 2019

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Manoj Kumar aged about 21 years (Male), S/o Kailash Singh, resident of
Gulmahiya Bagh, P.S Nadi, District Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Department Bihar,
Patna
2. The Collector Patna
3. The Sub Divisional Officer, Fatuha, Dist. Patna
4. The Officer In Charge, Nadi Police Station, District Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey
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 : 14-03-2019

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. BR01CK6971,
which has been seized in connection with Nadi P.S. Case No. 95
of 2017 for the offence punishable under the 420/34 of the
Indian Penal Code read along with side provisions of section 11
of the Bengal Police Gambling Act and section 37(a) 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 fortnight, 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	27.03.2019
Transmission Date	NA

