

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17280 of 2018

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Kishor Kumar Verma, Son of Sri Surya Banshi Sahay Verma, Resident of
305/4, Vishal Residency Opposite Raja Bazar Old Petrol Pump Bailey Road,
Rukanpura, Patna P.S.-B.V. College, Bihar-800014.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna.
2. The Principal Secretary, Home Police, Bihar Patna.
3. The District Magistrate, Patna.
4. The Superintendent of Police, Patna.
5. The S.H.O. Police Station, Kotwali, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar Singh
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 : 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
motorcycle bearing registration No. BR-1AK 7750, Chassis No.
A6MP481P8HD24709, Engine No. B10S1007158KC2, which
has been seized in connection with Patna Kotwali P.S. Case No.
388 of 2018 for the offences punishable under the 37(6)(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 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	26.02.2019
Transmission Date	NA

