

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19015 of 2018

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Bishundeo Mandal, S/o Harsh Chand Gangai, Resident of Village-Sosabhadra,
P.S. Rageli, Distt.-Morang, Nepal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna.
2. The Principal Secretary, Excise Department, Govt. of Bihar, Patna
3. The Collector, Araria
4. The District Transport Officer, Araria
5. The Superintendent of Police, Araria
6. The Excise Superintendent, Araria
7. The Station House Office, Kursakanta (Sonamani Godam), Police Station
Araria
8. The Motor Vehicle Inspector, Araria

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha
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 : 01-04-2019

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. KO 5 PU 4407, Chassis No.
ME4JC366588189237, Engine No. JC36E9307178, which has
been seized in connection with Kursakanta (Sonamani Godam)
P.S. Case No. 163 of 2018 for the offences 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 position 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	12/04/2019
Transmission Date	NA

