

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19774 of 2018

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Ranjeet Kumar Son of Lalan Chauhan Resident of Khurmabad, P.O.District-Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Excise, Prohibition and Registration Department, Govt. of Bihar, Patna
2. The Collector-Cum-District Magistrate, Siwan.
3. The Superintendent of Excise, Siwan.
4. The Superintendent of Police, Siwan.
5. The Officer Incharge, Mairwa P.S. Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ravi Bhushan Verma
For the Respondent/s : Mr.Kumar Manish -SC 5

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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 : 08-04-2019

Heard learned counsel for the petitioner and
learned counsel for the State.

The petitioner prays for provisional release of his
Hero Splendor Pro Motorcycle bearing Registration No. BR-



29U-4320, which has been seized in connection with Mairwa P.S. Case No. 164 of 2017 for the offences punishable under section 30(B) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is of drunken driving and in such connection, 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 Collector-cum-District Magistrate, Siwan 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/directions above, this writ petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

mcv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.04.2019
Transmission Date	NA

