

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22544 of 2018

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Ramashish Prasad, Son of Late Bhikshuk Singh, Resident of Village-
Kayampur, P.S.- Khushrupur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary of the Hone Department, Bihar, Patna.
2. The Collector-cum-District Magistrate, Patna.
3. The Superintendent of Excise, Patna.
4. The Excise Officer, District- Patna.
5. The Officer-in-Charge of Police Station- Khusupur, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms.Usha Kumari Singh, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 22-04-2019

Heard learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

The petitioner prays for provisional release of his

Hero Splender PRO bearing registration No. BR01CP 4814,

Chassis No. MBLHA 10BFFHH67749, Engine No.

HA10ERFHG 45511, which has been seized in connection

with Khusrupur P.S. Case No. 155 of 2017 for the offences

punishable under Sections 30(a), 38 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)

(Anjani Kumar Sharan, J)

Nasimul/-

AFR/NAFR	NAFR
CAV DATE	N/A
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