

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24554 of 2018

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Rajat Kumar, Son of Prabhu Sha, Resident of Sadpura, P.O. Ramna, P.S.-
Kazi Mohammadpur, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Dept., Bihar at Patna
2. The District Magistrate, Muzaffarpur
3. The Superintendent of Police, Muzaffarpur
4. The S.H.O., Police Station- Kanti, District- Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanchay Srivastava, Advocate
For the Respondent/s : Mr.Vikash Kumar

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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 : 29-04-2019

Heard learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

The petitioner prays for provisional release of his
T.V.S. Motorcycle bearing registration No. BR-06-AY-1407,
Chassis No. MD634KE49G2E34534, Engine No.
OE4EG2981400, which has been seized in connection with
Kanti P.S. Case No. 31 of 2018 for the offences punishable
under Sections 279, 337, 338 of the Indian Penal Code read
and Sections 37(a)(b)(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)

(Anjani Kumar Sharan, J)

Nasimul/-

AFR/NAFR	NAFR
CAV DATE	N/A
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