

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.659 of 2019

1. Sunil Ray Son of Ranjan Ray, resident of Village- Sirauli, Ward No. 4, P.S.- Riga, District- Sitamarhi.
2. Sonelal Ray @ Sone Lal Rai, Son of Ramdev Ray @ Ramdev Rai, Resident of Village- Sirauli Got Ward No. 5, P.S. Riga, District- Sitamarhi.

... .. Petitioners

Versus

1. The State Of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna
2. The District Magistrate/Collector, Sitamarhi.
3. The Superintendent of Police, Sitamarhi.
4. The Excise Superintendent, Sitamarhi.
5. The Excise Inspector, Sitamarhi.
6. The Office-Incharge, P.S.- Sahiyara, District- Sitamarhi.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Respondent/s : Mr. Vivek Prasad -Gp7

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

Date : 17-05-2019

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

The petitioners pray for provisional release of his Bajaj Discover motorcycle bearing registration No. BR-30K-7852 and second Bajaj Discover motorcycle bearing registration No. BR-30M-0244 respectively which have been seized in connection with Sahiyara P.S. Case No. 118/2017 for the offences punishable under



Sections 290, 294 of the Indian Penal Code and 37(b)(c) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

The allegation against the petitioners is of drunken driving and in such condition, the motorcycles have been seized. Undisputedly, there is no recovery from the motorcycle as it is also confirmed from the seizure list. The motorcycle in question has not been auctioned.

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 vehicles in question in favour of the petitioners within a week on furnishing/production of the document showing the ownership of the vehicle and registration certificate in the name of the petitioners supporting the claim of the petitioners 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 motorcycles in question.

Since nothing has been recovered from the motorcycle, 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 the observations/directions above, this writ petition
is allowed.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.06.2019
Transmission Date	NA

