

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4518 of 2019

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Manoj Kumar Yadav Son of Anil Kumar Yadav R/o Village-Dudhaila, P.O.-
Kukurdaura, P.S.-Andharamath, Dist-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Prohibition Excise and Registration Department,
Govt. of Bihar, Patna.
3. The Excise Commissioner, Prohibition and Registration Department, Govt.
of Bihar, Patna.
4. The Collector, Madhubani.
5. The District Transport Officer, Madhubani.
6. The Excise Superintendent Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Bharti
		Mr. Manish Kumar, No 13
For the Respondent/s	:	Mr. Vivek Prasad (GP7)

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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 : 14-03-2019

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. BR32S1988, Chassis No.
ME3U3S5COGA971569, Engine No. U3S5COGA971569,
which has been seized in connection with Andhramath P.S. Case
No. 07 of 2018 for the offences punishable under section 290 of
the Indian Penal Code read along with side provisions of section
37(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. Further submission is that the confiscation proceeding has already been initiated.

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 Collector, Madhubani 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. The confiscation proceeding itself is a futile exercise because there is no recovery of liquor.

With this observations/directions above, this writ petition is allowed.

(Jyoti Saran, J)

Shailendra/-

(Arvind Srivastava, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.03.2019
Transmission Date	NA

