

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5388 of 2019

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Dukhan Bind aged about 31 years, male, Son of Karu Bind, Resident of Village-Kushhar, P.S.-Bind, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate-Cum-Collector, Patna
2. The Senior Superintendent of Police, Patna
3. The Additional Superintendent of Police, Barh, District-Patna
4. The Deputy Superintendent of Police-Cum-Sub Divisional Police Officer, Barh, District- Patna
5. The Station House Officer, Belchhi Police Station, District-Patna
6. The Sub-Inspector of Police-Cum-Informant, Belchhi Police Station, District-Patna
7. The Principal Secretary, Excise Department, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra
For the Respondent/s : Mr. Vikash Kumar (SC11)

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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 : 12-04-2019

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

The petitioner prays for provisional release of his Hero Honda Passion Pro Motorcycle bearing registration No. BR-21Q-3006, which has been seized in connection with Belchhi P.S. Case No. 63 of 2018 for the offences punishable under sections 37(b) and 37(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 position 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)

(Arvind Srivastava, J)

Shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

