

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7186 of 2019

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Rakesh Kumar, aged about 41 years (Male), Son of Virendra Kumar Singh
Resident of at -31 Bihar Bigha, P.O. Pandarak, P.S. Pandarak, Distt. Patna.
... .. Petitioner

Versus

1. The State Of Bihar through Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna
4. The S.H.O. Police Station Barh, Distt. Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Premchandra Yadav
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 : 16-05-2019

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

The petitioner prays for provisional release of his Tata
Sumo bearing registration No. BR-21K-0236, which has been
seized in connection with Barh P.S. Case No. 486/2018 for the
offences punishable under Section 37(b)/(c) of the Bihar
Prohibition and Excise (Amendment) Act, 2016.

The allegation against the petitioner is of drunken
driving and in such condition, the motorcycle 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 week 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 Tata Sumo, 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

