

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5753 of 2019

=====

Maitosh Kumar Singh, aged about 25 years (Male), S/o Banshbadur Singh,
resident of Village- Rajpur, P.S.- Raghunathpur, Distt.- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Excise, Bihar, Patna
2. The Collector cum District Magistrate, Siwan, Distt.- Siwan
3. The Superintendent of Police, Siwan, Distt.- Siwan
4. The S.H.O. cum Officer in charge, Mairwa Police Station, Distt.- Siwan

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Amit Kumar, Advocate
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 : 22-04-2019

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

The prayer is for provisional release of his
Bolero bearing registration No. B R - 29 - F- 5867,
Chassis No. MA1XA2GFK92H74570, Engine No.
GF94H92427, which has been seized in connection with
Mairwa P.S. Case No. 412 of 2017 for the offences
punishable under Sections 272, 273, 34 of the Indian
Penal Code and Sections 30(a), 37 (B), 41 (I) 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
Uploading Date	29-04-2019
Transmission Date	N/A

