

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7514 of 2019

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Rahul Kumar, Son of Satyendra Kumar Singh, Resident of Mohalla 1070 A
Samta Path Near Chankya Law College, New Bangali Tola, Phulwari Patna,
G.P.-Phulbari , District- Patna, Bihar- 800001

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department Bihar, Patna.
2. The State of Bihar, through the District Magistrate (D.M.), Patna.
3. The Deputy Superintendent of Police, (S.P.), District- Patna.
4. The S.H.O. Nabin Kr. Singh of Rajiv Nagar, P.S. District- Patna.
5. The Sub-Divisional Officer, (S.D.O.), District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar, Adv.
For the Respondent/s : AC to GA-1

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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 motorcycle bearing Registration No.HR26CP-4557, which has been seized in connection with Rajiv Nagar P.S. Case No.20 of 2018 (District- Patna) for the offences punishable under section 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 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 14 days 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 as 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 the observation above, this writ petition is allowed.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

skpathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.06.2019
Transmission Date	NA

