

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5705 of 2019**

Olafleet Technologies Private Limited through its Proprietor Brijesh Kumar, aged about 32 years (Male) S/o Dharamnath Pandey, resident of village/Mohalla-P.W.D.Quarter, Golghar Chouraha, P.S. Phulwari, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Excise and Prohibition and Registration, Govt. of Bihar, Patna.
2. The Collector Cum District Magistrate, Patna
3. The Superintendent of Excise, Patna, Dist. Patna
4. The Senior Superintendent of Police, Patna.
5. The Officer Incharge of Gardanibagh Police Station, District-Patna.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate  
For the Respondent/s : Mr.Kumar Manish ( SC5 )

**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**and**  
**HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)**

**Date : 19-04-2019**

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

The petitioner prays for provisional release of his  
OLAFLEET HUNDAI CAR bearing registration No. BR01PJ-  
3722, Chassis No. MALA651DLJM843296, Engine No.  
D3FAJM586771, which has been seized in connection with  
Gardanibagh P.S. Case No. 408 of 2018 for the offences  
punishable under Sections 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.

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 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/-

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| AFR/NAFR          | NAFR       |
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