

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5610 of 2019

Prabhas Kumar Rao, Male, aged about 49 years, Son of Rup Narayan Rao,
Resident of Ward No. 30, Madhukunj Nagar, Baswariya, P.O. Bettiah, P.S.
Bettiah Town, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Superintendent of Police, Bettiah, At and P.O. Bettiah, District- West
Champaran.
3. The Station House Officer, Nautan Police Station, District- West
Champaran.
4. Jitendra Singh, Assistant-Sub-Inspector, Nautan Police Station, District West
Champaran(informant of Nautan, P.S. Case No. 64/2019).
5. Phani Bhushan Singh, Sub-Inspector of Police, Nautan Police Station,
District- Muzaffarpur (Investigating Officer of the case).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jitendra 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 : 18-04-2019

Counter affidavit is being filed by Ms. Roona, learned

AC to GP-7. Let it be taken on record.

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

The petitioner prays for provisional release of his
Powertrac Tractor bearing registration No. BR 22GA 8671,
Chassis No. T053404189FG, Engine No. E3454242, which has



been seized in connection with Nautan P.S. Case No. 64 of 2019 for the offences punishable under Sections 279/337/338 of the Indian Penal Code and 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 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/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24-04-2019
Transmission Date	N/A

