

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6350 of 2019

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Baijnath Mahto, aged about 39 years, Male, S/o Jagdish Mahto, R/o
Prasadpur, P.S.- Purnia, Distt.- Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Deptt., Patna.
2. The District Magistrate, Katihar.
3. The Superintendent of Police, Katihar.
4. The S.H.O., Kadwa police Station, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate
For the Respondent/s : Mr.Vikash Kumar (SC11)

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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 : 07-05-2019

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

The petitioner prays for provisional release of his
Tractor with Telar bearing registration No. BR-11E-4759, which
has been seized in connection with Kadwa P.S. Case No. 398 of



2017 for the offences punishable under Sections 279, 337 of the Indian Penal Code read along with side provisions of Section 30(a) 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
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