

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6458 of 2019

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Saddam Hussain S/o Andul Samim @ Md. Samim R/o- Bansgarha, Bhaisa
Govindpur, P.S.- Barari (Semapur), District- Katihar.

... .. 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. Barari (Semapur) Police Station, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh
For the Respondent/s : Mr.Kumar Manish (Sc5)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 25-06-2019

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

The petitioner prays for provisional release of his E.
Rickshaw bearing registration No. BR-39ER-0143, Chassis No.
M7SDER11MBW0000148 which has been seized in connection with
Barari (Semapur) P.S. Case No. 31 of 2019 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 E. Rickshaw has been seized. Undisputedly,
there is no recovery from the E. Rickshaw 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 E. Rickshaw in question.

Since nothing has been recovered from the E. Rickshaw, 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 observations/directions above, this writ petition is allowed.

(Jyoti Saran, J)

(Partha Sarthy, J)

sushma/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

