

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5486 of 2019

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Jalal aged 61 years, Male, S/o Majiruddin, R/o Mathurapur, P.S.- Abadpur,
Distt- 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. Abadpur Police Station, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh
For the Respondent/s : Mr. Vivek Prasad (GP7)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 12-04-2019

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

The petitioner prays for provisional release of his
motorcycle Chassis No. MBLJAR034J9E28430, Engine No.
JA05EGJ9E48571, which has been seized in connection with
Barari (Semapur) P.S. Case No. 31 of 2019 for the offences
punishable under the 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 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)

(Arvind Srivastava, J)

Shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
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