

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5463 of 2019**

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Binita Mishra W/o Ranjit Mishra Resident of Opp. Uco Bank, Alpana Market,  
South Patliputra Colony, P.S.-Patliputra, Town and Distt.-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Patna
2. The District Magistrate, Patna
3. The Assistant Excise Commissioner, Patna
4. Shri Arjun Prasad, the Police Sub Inspector Patliputra P.S.,P.S. Patliputra.  
District-Patna

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Dineshwar Mishra  
For the Respondent/s : Mr. Vikash Kumar (SC11)

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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  
Maruti Ignis Car bearing registration No. BR01DT-3743, which  
has been seized in connection with Spl. Case No. 11425 of 2018  
arising out of Patliputra P.S. Case No. 558 of 2018 for the  
offences punishable under sections 279/337/338/427 of the  
Indian Penal Code read along with side provisions of section  
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.



Submission of learned counsel for the petitioner is that the original owner book and insurance paper were kept in the vehicle in question at the time of its recovery.

Having heard learned counsel for the parties and taking note of the legal position 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 a photo/web copy of the documents duly authenticated by a Government Servant supporting the ownership of the vehicle 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/-

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| AFR/NAFR          | NAFR       |
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