

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7132 of 2019

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Devendra Prasad, aged about 53 years (Male), Son of Khuva Lal Singh
Resident of Village- Saidanpur, P.O and P.S.- Hilsa, District- Nalanda.

... .. Petitioner

Versus

1. The State of Bihar Through the Principal Secretary, Department of Registration Excise and Prohibition, Government of Bihar, Patna.
2. The Excise Commissioner Bihar, Patna.
3. The District Collector cum District Magistrate Nalanda.
4. The State of Bihar Through the Director General of Police, Bihar, Patna.
5. The Superintendent of Police Nalanda at Biharsharif.
6. The Station House Officer Ekangarsarai Police Station, Nalanda.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Shashi Chandra Pandey
For the Respondent/s : Mr. Vivek Prasad (Gp7)

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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 : 16-05-2019

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

The petitioner prays for provisional release of his Yamaha
F.25 motorcycle bearing registration No. BR 21Q 3351, which has
been seized in connection with Ekangarsarai P.S. Case No. 21/2019
for the offences punishable under Section 37(C) of the Bihar
Prohibition and Excise (Amendment) Act, 2016.

The allegation against the petitioner is of drunken driving
and in such condition, the motorcycle has been seized. Undisputedly,



there is no recovery from the motorcycle 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 motorcycle in question.

Since nothing has been recovered from the motorcycle, 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)

(Anjani Kumar Sharan, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.06.2019
Transmission Date	NA

