

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7408 of 2019**

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Vikash Kumar, Son of Sri Anil Kumar Singh, Resident of Village- Majhaulia,  
P.S.- Majhaulia, district- West Champaran, At Present, C/o Shailesh Kumar,  
village- Bahpura, P.S.- Patna, district- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Collector, West Champaran, Bettiah.
3. The Superintendent of Police, West Champaran, Bettiah.
4. The Superintendent of Excise, West Champaran, Bettiah.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.  
For the Respondent/s : Mr. Kumar Manish, SC5

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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 Alto Car bearing Registration No.BR01AY-5519, which has been seized in connection with Majhaulia P.S. Case No.554 of 2018 (District- West Champaran) for the offences punishable under sections 37(c) and 45 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 14 days 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 as 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 the observation above, this writ petition is allowed.

**(Jyoti Saran, J)**

**( Anjani Kumar Sharan, J)**

skpathak/-

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