

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8452 of 2019

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Shankar Kumar Gupta Son of Dayanand Prasad Gupta Resident of Village -
Chhat Pokhar, Police Station - Khajanchi hat, District - Purnia.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Collector, Patna. Patna
3. The Superintendent of Police, Katihar.
4. The S.H.O. Falka, District - Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar
For the Respondent/s : Mr.Vivek Prasad (Gp7)

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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 : 05-08-2019

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

The petitioner is owner of Maruti Suzuki Calerio and prays
for provisional release of his vehicle bearing registration No.
BR11W8488 which has been seized in connection with Sultanganj P.S.
Case No. 330 of 2018 for the offences punishable under Sections37(b)
of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is of drunken driving
and in such condition, the Maruti Car 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 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 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 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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