

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6268 of 2019

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Laloo Kumar Son of Vrij Mohan Yadav Residing of Village-Agar, Post Office-Mahimapur, Police Station-Alipur, District-Gaya, at present Village-92, Mirchi, P.S.-Bypass, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Superintendent of Police, Patna.
4. The Excise Officer, Patna.
5. The S.I. of Gaurichak Police Station, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Naresh Ray, Advocate
For the Respondent/s : Mr.Vivek Prasad, GP 7

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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 : 06-05-2019

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

The petitioner prays for provisional release of his Motorcycle Yamaha Saluto 2LPA Mat. Black Colour bearing Registration No. BR01DQ0672, Chassis No. ME1RE 3518 H0015377, Engine No. E31EE0039753 which has been seized in connection with Gaurichak P.S. Case No. 478 of 2018 for the offence punishable under Sections 279 and 427 of the Indian Penal



Code and Section 37(b) 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 position settled by this Court in the case of ***Diwakar Kumar Singh Vs. The State of Bihar through the Principal Secretary, Excise Department & Ors. [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 in the case of ***Diwakar Kumar Singh*** (supra).



With the observations/directions above, this writ petition
is allowed.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

mrl./-

AFR/NAFR	NAFR
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