

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6706 of 2019

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Santosh Paswan @ Santosh Kumar, Gender- Male, aged about 29 years, S/o
Upendra Paswan, resident of Village- Lakshmipur, Sait, Ward No. 1, P.S.-
Raghopur, Distt.- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Govt. of Bihar, Excise
Department, Patna
2. District Magistrate cum Collector, Supaul
3. Senior Superintendent of Police, Supaul
4. Excise Superintendent, Supaul
5. Officer-in-charge of Partapganj Police Station, Supaul

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun, Advocate

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 : 14-05-2019

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

The petitioner prays for provisional release of his



Motorcycle bearing Chassis No. MD6205SF43G1N81684, which has been seized in connection with Partapganj P.S. Case No. 149 of 2018 for the offences punishable under Sections 379/411/34 of the Indian Penal Code read along with side provisions of Section 37(b)(C) 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 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.

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

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

Nasimul/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18-05-2019
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