

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8481 of 2019

=====

Suresh Yadav, Son of Late Chintu Yadav, resident of village - Devottar, P.S.-
Banmankhi, District - Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department,
Government of Bihar, Patna.
2. District Magistrate, Purnea.
3. Superintendent of Police, Purnea.
4. Sub Divisional Police Officer, Banmankhi, Purnea.
5. Station House Officer, Sarsi, Police Station, Purnea.
6. Investigating Officer, Sarsi P.S. Case No. 88/17, Sarsi, Banmankhi, Purnea.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar Mukund, Adv.
For the Respondent/s : AC to GA-1

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 08-07-2019

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

The petitioner prays for provisional release of his
Yamaha motorcycle bearing Registration No.BR11AF-0225,
Chasis No. ME15KA0B8F2107564 and Engine
No.5KAB107529 which has been seized in connection with
Sarsi P.S. Case No.88 of 2017 (District- Purnea) for the offences
punishable under section 37(b) of the Bihar Prohibition and



Excise Act, 2016.

Learned counsel for the petitioner submits that it is because the son of the petitioner was found in drunken condition while driving the motorcycle which is registered in the name of the petitioner that the police case in question was instituted and although the police official seized the vehicle which is lying in the police station but no seizure list has been prepared. In reference to the representation addressed to the Senior Superintendent of Police, Purnea a copy of which is at Annexure 3 he submits that the same has not been disposed of though the attention of the Senior Superintendent of Police, Purnea towards this lapse was invited. Learned counsel further submits that there is no recovery from the motorcycle and no confiscation proceeding has been initiated.

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 the F.I.R. does not reflect 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)

(Partha Sarthy, J)

skpathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.07.2019
Transmission Date	NA

