

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8413 of 2019

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Nar Singh Ram Son of Jay Kishun Ram, Resident of village Fagunahata, P.S.
Ram Nagar, District - West Champara.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The Principal Secretary, Department of Excise, Government of Bihar, Patna.
3. The District Magistrate, West Champaran, Bihar.
4. The Superintendent of Police, Bagaha, West Champaran.
5. The District Transport Officer, West Champaran, Bihar.
6. The Officer - in Charge, Semara Police Station, District - West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta
For the Respondent/s : Mr.Vikash Kumar (Sc11)

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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 : 02-07-2019

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

The petitioner prays for provisional release of his Auto Rickshaw Alfa bearing registration No. BR05PA4972 Chassis No. MAILE2FYSG5J81327 and Engine No. R6H2807035 which has been seized in connection with Semara P.S. Case No. 67 of 2018 for the offences punishable under Sections 337, 338 and 279 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 Auto Rickshaw Alfa has been seized. Undisputedly, there is no recovery from the Auto Rickshaw Alfa 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 motorcycle in question.

Since nothing has been recovered from the Auto Rickshaw Alfa, 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)

Prakash/-

AFR/NAFR	NAFR
CAV DATE	NA



Uploading Date	08.07.2019
Transmission Date	NA

