

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7015 of 2019**

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Kaushlendra Prasad, aged about 35 years, Male, Son of- Ranjan Prasad @  
Ranjan Yadav, Resident of Village- Fatehpur, P.S. Parwalpur, District-  
Nalanda, presently residing in Mohalla- Naya Gaon, P.S.- Alamganj, District-  
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Excise Department,  
Government of Bihar at Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. S.H.O., Fatuha Police Station, District Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Binod Kumar Singh, Advocate  
For the Respondent/s : Mr.

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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 : 16-05-2019**

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

The petitioner prays for provisional release of his Tata ACE  
bearing registration No. BR-01 GC-9141, Chassis No. MAT445066DVE  
36969, which has been seized in connection with Special Case No. 10089  
of 2018 arising out of Fatuha P.S. Case No. 634 of 2018 for the offences  
punishable under Sections 279/337/338 of the Indian Penal Code read  
along with side provisions of Section 37(C) 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 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/-

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