

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8149 of 2019

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Gautam Kumar S/o Vijay Prakash R/o Village-Raghopur Bakhtiyarpur, P.S.
Bakhtiyarpur, Distt-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Excise Department, Patna
2. The District Magistrate Patna
3. The Senior Superintendent of Police Patna
4. The Superintending of Police East, Patna, The Officer-Incharge, Chowk, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bijay Kumar Pandey
For the Respondent/s : Mr.Kumar Manish (Sc5)

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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 : 01-07-2019

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

The petitioner prays for provisional release of his motor car
bearing registration No. BR01PH9623, Chassis No.
MDHFBACDOH8805885 and Engine No. B4AA400E167564 which
has been seized in connection with Chowk P.S. Case No. 384 of 2018
for the offences punishable under Sections 37(C) of the Bihar
Prohibition and Excise Act, 2016.

The allegation against the petitioner is of drunken driving
and in such condition, the car has been seized. Undisputedly, there is no
recovery from the car 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 car in question.

Since nothing has been recovered from the car, 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)

sushma/-

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

