

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10772 of 2019

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Sanjeet Kumar Son of Late Shankar Pandit, Resident of Mohalla- Gali No. 10, Muslim Gali, Masjid Ke Dakshin, P.S.- Khagaul, District- Patna.
... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Bihar, Patna.
2. The District Magistrate, Patna.
3. The Superintendent of Police, Excise, Patna, District- Patna.
4. The Officer-in-charge, Kotwali P.S. , P.S.- Kotwali, District- Patna.
... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra
For the Respondent/s : Mr.Vikash Kumar (Sc11)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 20-08-2019

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

The petitioner is owner of Maruti Suzuki Car and prays for provisional release of his car bearing registration No. BR1R9728 which has been seized in connection with Special Case No. 8907 of 2018 arising out of Kotwali P.S. Case No. 652 of 2018(District Patna) for the offences punishable under Section 279 of the Indian Penal Code and Section 37(b) (c) of the Bihar Prohibition and Excise Act, 2016.

The allegation against one Manish Kumar 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 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 observations/directions above, this writ petition is allowed.

(Shivaji Pandey, J)

(Partha Sarthy, J)

sushma/-

AFR/NAFR	NAFR
CAV DATE	NA
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