

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10020 of 2019

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Md. Abul S/o Md. Jamal resident of Vill.- Bardaha, P.s.- Ghailadh, Distt.-
Madhepura Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Bihar Patna
2. The Principal Secretary Excise Department, Govt. of Bihar, Patna
3. The Commissioner Koshi Division, Saharsa
4. The District Magistrate Saharsa
5. The Superintendent of Police Saharsa
6. The District Transport Officer Saharsa
7. The Excise Superintendent Saharsa
8. The Station House Officer Saharsa Sadar, Police Station
9. The Motor Vehicle Inspector Saharsa

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amarnath Jha
For the Respondent/s : Mr.(Gal)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 01-08-2019

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

The petitioner is owner of Passion Pro Motorcycle and prays
for provisional release of his vehicle bearing registration No.
BR43M5102, which has been seized in connection with Saharsa Sadar
P.S. Case No. 864 of 2018 for the offences punishable under Sections
30(a), 37(b), 38(i) and 41(i) of the Bihar Prohibition and Excise Act,
2016.

The allegation against the petitioner is of drunken driving
and in such condition, the motorcycle has been seized. Undisputedly,
there is no recovery from the motorcycle rather 180 ml. of IMFL has



been recovered from the pocket of the petitioner 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 motorcycle, 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
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Transmission Date	NA

