

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10546 of 2019

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Ratnesh Kumar Mahto @ Ratnesh Kumar S/o Rajendra Mahto Resident of
Village-Purnahi,P.S. Wairsnagar,Dist.-Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna
2. The Excise Commissioner, Govt. of Bihar, Patna
3. The District Magistrate, Samastipur
4. The Senior Superintendent of Police, Samastipur
5. The Excise Superintendent, Samastipur
6. The Station House Officer, Wairsnagar Police Station, Dist.-Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad
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 : 06-08-2019

Heard learned counsel for the petitioner and
learned Counsel for the State.

The petitioner prays for provisional release of the
two vehicles, 1. White colour Apache bearing Registration No.
BR33Y8908, Chassis No. MD634 CE64H2F26045, Engine
No. CE6FH2026542 and 2. Black colour Hero Honda Delux
bearing registration No. BR-33AA-5494, Engine No.
HA11ENJHA 02253, Chassis No. MBLHAR230JHA01070



which has been seized in connection with Warisnagar Case No. 176 of 2018 for the offences punishable under Sections 273, 290 of the India Penal Code and 38,41, 30(a), 37(B), 37(D) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is of drunken driving and in such condition, the motorcycles have been seized. Undisputedly, there is no recovery from the motorcycles 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 vehicles in question in favour of the petitioner within a week on furnishing/production of the document showing the ownership of the vehicles and registration certificate in the name of the petitioner supporting the claim of the petitioner before the confiscating authority 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 motorcycles, 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)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.08.2019
Transmission Date	NA

