

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9110 of 2019**

Ashok Kumar Patel Son of Shri Ram Kumar Patel@ Ram Kumar Patel,  
Resident of Village- New Jaganpura, Double Transformer, Police Station Ram  
Krishna Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Department of Excise and Prohibition, Government of Bihar, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate Cum Collector Patna.
4. The Senior Superintendent of Police, Patna.
5. The Officer in Charge of Patrakar Nagar Police, District- Patna.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Abhijeet Gautam, Advocate  
For the Respondent/s : Mr. Kumar Manish (Sc5)

**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**

**and**

**HONOURABLE MR. JUSTICE PARTHA SARTHY**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)**

**Date : 15-07-2019**

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

The petitioner prays for provisional release of his PIAGGIO  
APE three wheeler tempo bearing registration No. BR01GA2711  
Chassis No. MBX0000DBKC803334 and Engine No. R9B0624334  
which has been seized in connection with Patrakar Nagar P.S. Case No.  
598 of 2018 for the offence punishable under 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 PIAGGIO APE vehicle has been seized.



Undisputedly, there is no recovery from the vehicle as 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 District Magistrate, Patna 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 PIAGGIO APE 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.

**(Jyoti Saran, J)**

**( Partha Sarthy, J)**

Prakash/-

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