

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9050 of 2019

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Dashrath Mahto Son of Shri Sheopujan Mahto Resident of Village Sabalpur
Chai Tola, P.S. Sonepur, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Station House Officer, Alamganj, Patna City, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rekha Prasad
For the Respondent/s : Mr.Vikash Kumar (Sc11)

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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 : 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 Hero
Honda Splendor Plus motorcycle bearing registration No.
BR01DM0607, Chassis No. MBLHAR070HHJ62077 and Engine No.
HA10AGHHJ49358 which has been seized in connection with
Alamganj P.S. Case No. 209 of 2018 for the offences 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 motorcycle has been seized. Undisputedly,
there is no recovery from the motorcycle 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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