

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10092 of 2019

=====

Vikash Kumar Son of Ramakant Singh Resident of Village- Harkhauli Uttar
Tola, Ward No. 13, Police Station- Mirganj, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The Principal Secretary Excise Department, Govt. of Bihar, Patna.
3. The District Magistrate-cum- Collector Gopalganj.
4. The Superintendent of Police Gopalganj.
5. The Officer-in- Charge (S.H.O.) Uchakagaon Police Station, Gopalganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh
For the Respondent/s : Mr.Vivek Prasad (Gp7)

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 01-08-2019

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

The petitioner prays for provisional release of his motorcycle
(Hero M HF Delux) bearing registration No. BR28S-6753, which has
been seized in connection with Uchakagaon P.S. Case No. 72 of 2019
for the offences punishable under Sections 272,273, 414/34 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The allegation against the acquaintance of 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)

Prakash/-

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

