

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10774 of 2019

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Kumari Neelu Sinha W/o Arvind Kumar Vill.- Bakarpur, P.o.- Jagdumri, P.s.-
Punpun, distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Govt. of Bihar, Patna
2. The District Officer-cum-District Magistrate Patna
3. The Senior Superintendent of Police Patna
4. The Station House Officer Kotwali Police Station, Distt.- Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Upendra Yadav
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 : 13-08-2019

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

The petitioner prays for provisional release of his Maruti
Swift Dzire VDI bearing registration No. BR01CB9831 which has been
seized in connection with Patna Kotwali P.S. Case No. 285 of 2019 for
the offence punishable under section 279 of the Indian Penal Code and
section 37(b)(c) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the accused persons including son of
the petitioner is of drunken driving and in such condition, the vehicle
has been seized. Undisputedly, there is no recovery from the vehicle 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 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/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	
Transmission Date	

