

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11310 of 2019

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Upendra Kumar @ Upendra Ray S/o Jaykant Ray Resident of Village-
Saidabad, P.O.- Mohanpur, P.S.- Raghapur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise and Prohibition
Department, Bihar, Patna.
2. District Magistrate, Patna.
3. Superintendent of Police, Patna.
4. Station House Officer, Bypass Police Station, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Kumar Singh, Advocate
For the Respondent/s : Mr.Vikash Kumar (SC11)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 22-08-2019

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

The petitioner prays for provisional release of his Hero
Splendor Motorcycle bearing registration No. BR-01DT-1494,
Chassis No. MBLHAR097JHE00128 and Engine No.
HA10AGJHE00039, which has been seized in connection with
Bypass P.S. Case No. 174 of 2018 (District-Patna) 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.

(Shivaji Pandey, J)

(Partha Sarthy, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
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