

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL WRIT No.18057 of 2018

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Harsh Kumar Son of Akhilesh Kumar, Resident of Mohalla - Jangli Prasad
Lane, Police Station- Chowk, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate
For the Respondent/s : Mr. Kumar Manish, SC 5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 25-02-2019

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

The petitioner prays for provisional release of his
Swift Dezire bearing registration No. BR28TM 2017, Chassis
No. MA3CZF03SHJ188454, Engine No. D13A-3114483, which
has been seized in connection with By Pass P.S. Case No. 70 of
2018 (Spl. Case No. 2003 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 vehicle has been seized.
Undisputedly, there is no recovery from the vehicle as it is also



confirmed from the seizure list.

Having hard 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, 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 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 this observation above, this writ petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
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