

2018IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17817 of 2018

Hirday Narayan Singh S/o Shiv Gulam Singh resident of village - Vishunpur
Pandey, P.S. - Minapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Excise Department, Bihar, Patna
2. District Magistrate, Muzaffarpur.
3. S.S.P., Muzaffarpur.
4. S.H.O. Minapur.
5. Police Sub-Inspector I.O, Minapur Police Station.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar
For the Respondent/s	:	Mr.Vivek Prasad- GP 7

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 18-02-2019

Heard learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner prays for provisional release of his T.V.S.
Wego Scooty bearing registration no. BR-06AP-1826, which has
been seized in connection with Minapur P.S. Case No. 51 of 2018
for the offences punishable under sections 37(a) and 37(b) of the
Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is of drunken
driving and in such connection, 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 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/directions above, this writ petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

mcv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26-02-2019
Transmission Date	NA

