

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18090 of 2018

Pradeep Sharma S/o-Shiv Kumar Sharma, Resident of -Pachrukhi, P.O.P.S.-
Pachrukhi, Siwan, District-Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Excise, Saran Division Saran.
3. The District Magistrate, Siwan.
4. The Superintendent of Police, Siwan, District-Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Akshay Lal Pandit
For the Respondent/s : Mr.Kumar Manish -SC5

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 11-03-2019

Heard the parties.

The petitioner prays for provisional release of his motorcycle bearing registration no. BR-29V-8731, Chasis No. ME4JC731AG8010805, Engine No. JC73E80029690, which has been seized in connection with Muffasil Siwan P.S. Case No. 371 of 2018 for the offences punishable under Section 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 as 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 aforesaid 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	16.03.2019
Transmission Date	NA

