

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.423 of 2019

Shiv Shankar Tiwari @ Shivshankar Tiwari, son of Ram Chandra Tiwari @
Ramchandrar Tiwari, Resident of Village- 2C/ 130, Awas Vikash Colony,
Daulatpur, P.S. Pandeypur, Varanasi U.P..

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary of the Excise Department, Bihar at Patna.
2. The Collector cum District Magistrate, Kaimur at Bhabua.
3. The Superintendent of Police, Kaimur at Bhabua.
4. The Officer In-charge of Police Station, Durgawati, District- Kaimur at Bhabua.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 06-05-2019

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

The petitioner prays for provisional release of his
Motorcycle bearing registration No. UP65AE 1538, which has been
seized in connection with P.R. No. 124 of 2017 for the offence
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 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 fortnight, 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 observations/directions above, this writ petition is allowed.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

Nasimul/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10-05-2019
Transmission Date	N/A

