

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16019 of 2018

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Jitendra Kumar, S/o Nirmal Prasad, R/o Mohalla- North Mandiri, P.S.- Budha Colony, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through its Principal Secretary, Excise Department, Patna (Bihar)
2. The Divisional Commissioner, Excise Department, Bihar Division, at Patna.
3. The District Magistrate, Patna
4. The Superintendent of Police, Patna.
5. The Sub- Inspector, Kotwali, Police Station, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shyama Kant Singh
For the Respondent/s : Mr. Anil Kr. Sinha- GA1

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

2 07-01-2019 Heard Mr. Piyush Kant Singh, learned counsel for the

petitioner and Mr. Pawan Kumar, learned Assisting Counsel to G.A.-

1.

The petitioner prays for provisional release of his motorcycle bearing registration no. BR01CF1293, Chasis No. MBLHA10BFEHK74029, Engine No. HA10EREHK29401, which has been seized in connection with Kotwali P.S. Case No. 228 of 2017 for the offences punishable under the Indian Penal Code read along with side provisions 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 Officer -in- Charge, Kotwali police station 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 judgment of the Hon'ble Division Bench of this Court.

With this observation, this writ petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

shailendra/Brajesh-

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