

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24080 of 2018

Vivek Kumar Giri @ Vivek Giri, son of Shivjee Giri, resident of Suhai Sahpur, P.S. Baniyapur, District- Saran at present residing at 186/12 Magazine Line, Near UCO Bank, Birlapur, Burul, P.S.- Noda Khali, District- South-24 Pargana, West Bengal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Saran.
3. The Senior Superintendent of Police, Saran.
4. The S.H.O., Bhagwan Bazar P.S., Saran.
5. The Investigating Officer of Bhagwan Bazar P.S. Case No. 457 of 2018.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, 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 : 26-04-2019

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

The petitioner prays for provisional release of his Jeep bearing registration No. BR04PA-0627, which has been seized in connection with Bhagwan Bazar P.S. Case No. 457 of 2018 for the offences punishable under Sections 279, 337, 338 of the Indian Penal Code read along with side 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 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/mrl.

AFR/NAFR	NAFR
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