

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4027 of 2019

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Perwez Alam Son of Imamul Haque Resident of Village- Dharmparsa, P.S.
Majhagah, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General cum Inspector General of Police, Patna.
2. The D.M. Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Dy. S.P. Gopalganj.
5. The Officer-in- Charge, Manjhagarh Police Station, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Mohammad Sufyan, Adv. Mr. Thakur Brajesh Singh, Adv.
For the Respondent/s	:	Mr. P.K.Verma (AAG3)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-07-2019 This writ application has been filed for award of adequate compensation to the petitioner for the alleged illegal detention/seizure of his vehicle (Scorpio) bearing Reg. No.BR-28G-7557 by the police officials of Manjhagarh police station. It is the case of the petitioner that his vehicle was seized by the police officer for no reason and after seizure neither any Sanha entry was made in the police diary giving reasons thereof nor it was brought to the notice of the senior police officials or the court within whose jurisdiction the vehicle was seized.

Learned counsel for the petitioner has drawn the attention of this Court towards judgment dated 09.05.2018



passed in Cr.W.J.C. No.709 of 2018 (Annexure-4) by which while directing release of the vehicle in favour of the petitioner this Court had prima-facie disbelieved the story of the police official that the vehicle of the petitioner was standing abandoned, therefore it was brought to the premises of the police station. At that point of time, the Superintendent of Police, Gopalganj had informed this Court that the matter is being enquired into. Learned counsel submits that now the final order of the disciplinary authority has come vide District Order No.851 of 2018 (Annexure-5) by which the disciplinary authority has punished the concerned police officer by awarding a black mark for his alleged negligence in not reporting the seizure to the senior police officials or to the court concerned. Learned counsel submits that it is evident from the materials that the said police officer had seized the vehicle for no reason and the petitioner had to suffer for such illegal seizure.

Learned counsel for the State submits that the fact that the vehicle was brought to the premises of the police station is not in dispute but the reason given by the concerned police officer that it was brought to the police station because the vehicle was lying in an abandoned condition and even police officer had gone to raid the premise of the petitioner as it was



the information of the police that the petitioner was engaged in sale of illicit liquor, has not been disbelieved in course of enquiry. It is submitted that the enquiry report no doubt records that the said police officer had not informed the fact as to the seizure of the vehicle to his senior police officials, it is evident that no malafide has been found on the part of the police officer in seizure of the vehicle.

Having heard learned counsel for the parties, this Court finds that on 23.12.2017 police party had gone to premises of this petitioner on information that the petitioner and his father are engaged in selling of the illicit liquor and they are also engaged in selling of stolen motorcycle. In course of raid one motorcycle with some illicit liquor were seized in presence of the independent witnesses. It is during this period the Scorpio vehicle is said to have been taken away by the police officer, but according to the petitioner no seizure of the same was reported.

This Court is of the considered opinion that it is not one of those cases where the State should be held responsible to compensate the petitioner for the negligence said to have been committed by the police officials in not reporting the seizure of the vehicle. The enquiry report as well as the decision of the disciplinary authority suggests that it was a case of negligence



and no more. The concerned police officer had already been awarded punishment by the Superintendent of Police, Gopalganj. In the given circumstances, this Court is not inclined to exercise its discretionary power under Article 226 of the Constitution of India to award compensation to the petitioner.

This writ application has thus no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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