

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5803 of 2022

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Bablu Kumar, Son of Late Ram Ji Roy, resident of Mohalla - Simali
Sahadara, Naya Tola, P.O. - Madhav Mills, Police Station- Malsalami, District
- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and
Prohibition Department, Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate-cum-Collector, Begusarai.
4. The Superintendent of Police, Begusarai.
5. The Senior Superintendent of Police, Patna.
6. The Officer-in-charge, Dandari Police Station, District - Begusarai.
7. The Officer-in-charge, Malsalami Police Station, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Advocate
For the Respondent/s : Mr.Kumar Manish (Sc 5)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 11-05-2022

Heard learned counsel for the parties.

The petitioner has prayed for the following



relief/s :-

That the present writ application is being filed for issuance of appropriate writ/writs, order/orders, direction/directions to the Respondent Authorities particularly the Respondent No. 3 (Collector, Begusarai) to handover the vehicle of the petitioner bearing Registration No.- BR-01GF-0648 to the petitioner which has been forcibly auctioned without giving any information to the petitioner and further for directing the respondent authorities to grant proper compensation to the petitioner as it was in full knowledge of the respondent authorities that the vehicle in question belongs to the petitioner as he was the owner of the same and/or for any other relief or reliefs to which the petitioner may be found entitled to in course of hearing of this writ application.



Allegation made in the FIR by the Informant police officer is that on 23.10.2018, he along with other police personnel were on patrolling duty when at about 8:00 pm he received a secret information that Dukhal Yadav is unloading illicit liquor from a Pick-up Van and on receipt of said information he reached said place and on seeing the police, all the five occupants fled away who were also identified and from said Pick-up Van huge quantity of liquor was recovered giving rise to Dandari PS Case No. 84 of 2018 dated 23.10.2018 under section 30(a) of the Bihar Prohibition and Excise Act.

Petitioner claims to be the owner of the seized pick-up van and approached this Court for release of his vehicle by filing CWJC No. 25419 of 2019 and by order dated 19.12.2019, the Pick-up Van of the petitioner was provisionally released by District Magistrate, Begusarai vide (Annexure-4) which was subject to the final outcome of the confiscation proceeding.

On the recommendation of Superintendent of Police, Begusarai, by letter dated 13.08.2019 confiscation proceeding was initiated against the vehicle of petitioner in which in spite of granting several opportunities he did not file his show cause and thereafter by order dated 29.06.2021, the



vehicle of the petitioner was confiscated and it was directed to take over the possession of the vehicle and same was seized by the police and kept in police station (Annexure-6) and the confiscating authority was informed accordingly. Thereafter, many confiscated vehicles including the vehicle of petitioner was put on auction, on as it is where it is basis and was auction sold by the District Magistrate, Begusarai (Annexure-7).

Petitioner although appeared before the confiscating authority and took time for filing show cause but in spite of being granted several opportunities, he neither filed any show cause nor contested the proceeding as a result of which confiscating authority by order dated 29.06.2021 (Annexure-5) confiscated the vehicle and directed it to be auction sold. Petitioner did not file any appeal or revision against said order and the order passed by the Confiscating Authority attained finality and thereafter his vehicle was auction sold.

It is submitted by learned counsel for the petitioner that whole proceeding was conducted in a most irregular and illegal manner and there was violations of procedural Rules as well as principles of natural justice.

Be that as it may, it shall be open for the petitioner to take recourse of Section 50 of Bihar Prohibition and Excise



Act.

The writ petition is, accordingly, disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	20.05.2022
Transmission Date	

