

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14665 of 2022

=====

Indostar Capital Finance Limited having registered office at One World Centre, 20th floor, Tower 2A, Jupiter Mills Compound, Senapati Bapat Marg, Mumbai (Maharashtra) - 400013 and Branch Office at - Indostar Capital Finance Ltd. 1st Floor, Pragati Complex, Salimpur Ahara, Exhibition Road, P.S.- Gandhi Maidan, Patna - 800003, through its authorised representative Mr. Prabhat Kumar, Male, aged about 43 years, posted at Branch Manager.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Excise Department, Bihar, Patna.
2. The District Magistrate, Arwal, Bihar.
3. Superintendent of Police, Arwal, Bihar.
4. SHO, Kaler P.S. Arwal, Bihar.
5. Investigating Officer, Kaler P.S. Case No. 42/2022

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dhananjay Kashyap, Advocate
For the Respondent/s : Mr. Vikash Kumar (SC11)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 01-12-2022 Petitioner has prayed for the following relief(s):

“I. For issuance of writ in the nature of certiorari for quashing of the Confiscation Case No. 86/2022 holding it to not maintainable and bad in the eyes of law as the petitioner company is the owner of the vehicle by virtue of being



the financier and the Petitioner company has no involvement or any connection thereto any offence in connection thereof Kaler P.S. Case No. 42/2022.

II. For issuance of appropriate writ in the nature of mandamus thereby directing the Respondents to release the vehicle of make and model Tata Motors Ltd. LPT 1512 bearing registration no. UP37AT6337, chassis no. MAT563005N7B02749 and engine no. 3.3LNGD06BXX503260 (hereinafter referred to as 'Vehicle') seized by the police in connection with Kaler P.S. Case No. 42 / 2002 dated 20.04.2022 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2018 to the Petitioner who is an authorised representative of Indostar Capital Finance Ltd. in whose favour the said vehicle is hypothecated vide Agreement no. CVGZBAD0121221 dated 15.02.2022.

III. For issuance of appropriate writ in the nature of mandamus thereby directing the Respondents to pass appropriate order on application dated 22.08.2022 whereby the Petitioner has brought all facts and prayed for release of the Vehicle as no order has been passed on the said application dated 22.08.2022.

IV. For any other relief or reliefs to which the Petitioner is entitled



in the facts and circumstances of the case.”

After the matter was heard for some time, finding the Court not in favour of the submissions made across the Bar, learned counsel for the petitioner, under instructions, states that the petitioner shall be content if the petitioner is permitted to approach respondent No. 2, namely District Magistrate, Arwal, Bihar before whom a representation is already pending.

Respondents have no objection to the same.

It is further submitted that, should the petitioner approach the said respondent within a period of two weeks, his grievances would be looked into and appropriate decision taken in accordance with law expeditiously and within a period of four weeks thereafter.

Shri Vikash Kumar, learned counsel for the respondents, states that till the decision is taken by the District Magistrate, status quo as on date shall be maintained.

Statement accepted and taken on record.

Prayer allowed.

The petition is disposed of in the aforesaid terms.

Liberty reserved to the petitioner to take recourse to such other remedies as are otherwise available in accordance



with law.

It stands clarified that all issues of fact and law are left open to be agitated by the competent authority.

Interlocutory application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/DKS

U			
---	--	--	--

