

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.193 of 2022

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

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MUKESH ROY Son of Sant Lal Roy Resident of Mohalla Lalji Tola R.P.
Singh G.P.O., Phulwari, P.S. - Gandhi Maidan, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Deptt. of Transport, Bihar, Patna.
2. The Joint Commissioner- Cum- Secretary, Regional Transport Authority, Patna.
3. The Director General of Police, Bihar, Patna.
4. The District Magistrate, Patna.
5. The District Transport officer, Patna.
6. The S.H.O., Pirbahore, Patna, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sinha

For the Respondent/s : Mr.Sarvesh Kumar(Gp24)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 05-09-2023 1. The petitioner has filed the present writ application for a direction to the respondents to pay compensation to the petitioner to tune of 01 Lakh for physical, economical and mental harassment caused to the petitioner by illegally detaining his Pick Up Van in the Pirbahore Police Station on the pretext of production of documents by the Police authorities. He has further prayed for quashing of the Memo No. 2353 / 19 dated 05-06-2019 by which a penalty of Rs. 8100 /-was imposed upon



the petitioner for violation of the provisions of the Motor Vehicle Act, 1988 [for short “the Act”] and further for initiation of disciplinary proceedings against the respondent nos. 5 & 6 who have illegally detained and seized the Pick Up Van of the petitioner and imposed unnecessary fine giving reference under the wrong provisions of the Act.

2. Learned counsel for the petitioner submits that the Pick Up Van of the petitioner was seized and brought to the Pirbahore Police Station on 04-06-2019 at 22:33:33 in the night which can be verified from the G.P.S. device equipped with the vehicle. GPS would reflect that the vehicle was seen near Gandhi Maidan (Mona Cinema) on 04-06-2019 at 21:48:27.

3. Learned counsel for the State referring to the counter affidavit filed on of the respondent nos. 4 & 5 submits that the Pick UP Van of the petitioner bearing Registration No. BR01GH-2271 was intercepted near the Pirbahore Police Station on 04/06/2019 which was carrying about 100 Kg. Aluminum Pipe and 250 ACP Sheets. The said Pick Up Van was plying in the crowded area near Shabji Bag at around 9:00 PM which was brought to the Pirbahore Police Station for violating different provisions of the Act as mentioned in the letter dated: 05-06-2019 [Annexure-5] written by Sub Inspector



of Police, Pirbahore P.S. to the District Transport Officer, Patna. From perusal of the said letter it would be apparent that the length of the carriage of the said Pick Up Van is 7 feet which was loaded by the goods having 15 feet length. The pipe was coming out 4 feet in the front and 4 feet in the back of the carriage. The petitioner was found violating the provisions of the Act as enumerated in the said letter quoted hereinbelow:-

“(i) The vehicle was plying during restricted time and at restricted place.

(ii) No documents produced by the driver.

(iii) Driving License was not made available.

(iv) The person in whose name the vehicle has been registered was not available.

(v) The pollution certificate was not made available.

(vi) The pressure horn was being used in the restricted area”

4. The District Transport Officer, Patna on the basis of the aforesaid report and after verifying the documents has



imposed penalty of Rs. 8100/- under various Sections of the Act described hereinbelow:-

(a) Section – 177 of Motor Vehicle Act	:-	100.00
(b) Section – 179 of Motor Vehicle Act	:-	500.00
(c) Section – 190(2) of Motor Vehicle Act	:-	1000.00
(d) Section-180/181 of Motor Vehicle Act	:-	1500.00
(e) Section -192A of Motor Vehicle Act	:-	5000.00
Total	:	8100.00

5. The said vehicle has been released after payment of the penalty amount in the office of D.T.O., Patna.

6. The respondents have taken needful action against the erring vehicle in accordance with law and the rules and the allegation made by the petitioner is baseless, misleading and not tenable in the eyes of the law.

7. I have heard learned counsel for the parties and have perused the materials available on record. It appears from Annexure – 5 of the writ application that the vehicle was seized and report was forwarded to the District Transport Officer, Patna. The contention of the petitioner that the vehicle was not present at the time of seizure near Pirbahore Police Station cannot be decided in writ jurisdiction for which appreciation of evidence and other materials are required.

8. The present writ application is based upon disputed questions of facts. In my opinion the writ application does not



have any merit. Accordingly it stands dismissed.

(Anil Kumar Sinha, J)

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