

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11972 of 2022

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Sunil Singh Son of Parmeshwar Singh, Resident of Village- Odhanpura, P.O.-
Nimthu, P.S.- Nimchak Bathani, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Jehanabad.
3. The Superintendent of Police, Jehanabad.
4. The Superintendent, Bihar Prohibition and Excise Act, Jehanabad.
5. The Officer-in-Charge, Ghoshi P.S., District- Jehanabad.
6. The District Transport Officer, Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kunwar Ajit Singh, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 31-01-2023

Heard learned counsel for the petitioner and
learned Standing Counsel No.11 for the respondents.

The petitioner has filed the instant application for
the following reliefs:

“(i) For issuance of any appropriate writ or writs, rule
or direction especially in the nature of mandamus
directing the respondents Collector cum District
Magistrate, Jehanabad to handed over pick-up van
vehicle bearing its registration no. JH02K-0302 to
which has been auction on 10.02.2022 in the campus of
Collectorate, Jehanabad and the petitioner being the
highest bidder participated in the aforesaid auction



proceedings and purchased the pickup van vehicle bearing its registration no JH02K-0302 after deposit of fixed auction money before the respondent concerned.

(ii) For issuance of any appropriate writ of writs, rule or direction especially in the nature of mandamus directing the respondent Collector cum District Magistrate, Jehanabad to correct registration no. JH02K0302 of pickup van vehicle as it has been wrongly mentioned in place of Registration No. BR21GB0156 of pickup van vehicle number.

(iii) For issuance of any appropriate writ of writs, rule or direction especially in the nature of mandamus directing the respondents concerned to pay heavy cost for the mistake committed on their parts who have knowingly provided the pickup vehicles with registration no. JH02K0302 to the petitioner in the light of auction dated 10.02.2022 but the said registration no. JH02K0302 is the registration no.of motorcycle which has been seized in different police station case number and for the said registration number and vehicles again auction proceeding has been initiated by the Collector cum District Magistrate, Jehanabad.

(iv) For issuance of any appropriate writ of writs, rule or direction as your lordship may deem fit and proper to the facts and circumstances of the case as well as for which the petitioner may be found entitled there too.”

The case of the petitioner in brief is that in the confiscation proceedings initiated by the Collector-cum-District Magistrate, Jehanabad, the petitioner participated in the auction of the pick up van bearing registration no. JH 02K 0302



conducted on 10.2.2022 seized in connection with Ghoshi P.S. Case no.192 of 2017 registered under sections 420, 467, 468, 471 and 414 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016. Being the highest bidder in the auction, the pick up van was handed over to the petitioner in which he spent a good amount. It is further contended that the said pick up van was again seized by the respondent police officials on the ground that the pick up van with the wrong registration number had been provided to the petitioner. Learned counsel for the petitioner submits that on inquiry it transpired that the vehicle with the registration no.JH 02K 0302 purchased by him in the auction was not the registration number of the pick up van but that of a motorcycle. Hence, the writ application for the reliefs as mentioned above.

A counter affidavit was filed in the case on behalf of the respondents as also a supplementary counter affidavit on behalf of the Superintendent of Police, Jehanabad.

From the contents of the letter dated 19.1.2023 written by the Sub Divisional Police Officer, Jehanabad to the Superintendent of Police, Jehanabad (Annexure- C to the counter affidavit of the Superintendent of Police, Jehanabad) it transpires that the vehicle seized in connection with Ghoshi P.S.



Case no.192 of 2017 was a pick up vehicle bearing registration no.JH 10AK 8722 and the said vehicle in auction in connection with the confiscation case was auction-purchased by one Md. Mukhtar Alam on 26.8.2021. It further transpires that so far as vehicle bearing registration no. JH 02K 0302 is concerned, which according to the petitioner was purchased by him in the auction, in fact is a fake number and no vehicle with the said registration number was seized in connection with the aforesaid FIR (Ghoshi P.S. Case No.192 of 2017) or any other case.

It is submitted by learned counsel appearing for the State that a mistake was committed by the respondent authorities in carrying out the auction sale of a vehicle bearing registration no. JH 02K 0302 without verifying the details of the vehicle and pursuant thereto a different vehicle/pick up van was handed over to the petitioner without verifying its engine or chasis number.

Having heard learned counsel for the parties and taking into consideration the facts stated hereinabove, the petitioner having participated in the auction sale of the vehicle seized in connection with Ghoshi P.S. Case no.192 of 2017 on 10.2.2022 clearly being an error on part of respondents in view of the fact that the vehicle seized in the said case had already



been auction sold to one Md. Mukhatar Alam on 26.8.2021 itself, in view of the facts no relief with respect to delivery of vehicle can be given in the instant application. In view of the peculiar facts and circumstances of the case, this application is disposed of with the following directions.

- 1. The respondents will return the amount deposited by the petitioner along with interest at the rate of 10 % per annum, calculated from the date of deposit by the petitioner till the date of payment.
- 2. The respondents will further pay cost of Rs.10,000/- to the petitioner.
- 3. The aforesaid amounts will be paid to the petitioner within a period of two months.
- 4. The respondent authorities will be at liberty to recover the interest and cost paid to the petitioner from the erring official.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Bibhash

AFR/NAFR	
CAV DATE	
Uploading Date	1.2.2023
Transmission Date	

