

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4837 of 2024

=====

Pankaj Kumar Son of Ghura Singh, resident of village - Bagnaha, P.S. -
Barun, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Department of Excise Government of Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Superintendent of Police, Aurangabad.
4. The Office In-Charge, Barun Police Station, District- Aurangabad.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Aman Vishal
For the Respondent/s	:	Mr.Raghwanand GA 11
		Mr. Prabhat Kumar A.C. to GA 11

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 09-04-2024

In the instant petition, petitioner has prayed for the
following relief(s):-

*That this application is directed for
issuance of appropriate Writ(s), Order(s),
Direction(s) directing the respondent
authorities to release the seized Hyundai I20
vehicle of the petitioner bearing Reg No.
AR20A1341, having Chassis No.
MALBM51BLJM501649 and Engine No.
G4LAJM762703 in favour of the petitioner
which has been seized by the Officer-in-
charge, Barun Police Station in connection
with Barun P.S. Case No. 477/2023 dated
03.10.2023 registered for offences punishable
under Section 30(c) of the Bihar Prohibition
and Excise (Amendment) Act, 2018 and
further prayed for any other relief(s) for which*



the petitioner may be found entitle to in the fact and circumstances of the case stated herein after.

2. Today, learned counsel for the State filed counter affidavit on behalf of Respondent no. 3. Subject matter of motor vehicle bearing Registration No. AR20A1341 Hyundai I20 was seized in connection with Barun P.S. Case No. 477 of 2023 dated 03.10.2023 for the offences punishable under Section 30(c) of the Bihar Prohibition and Excise (Amendment) Act, 2018. Perusal of the records, it is evident that no liquor has been seized from the aforementioned vehicle. Certain liquor items were stated to have been recovered from nearby premises. The impugned action of seizure of the subject matter of motor vehicle is beyond the statute/Bihar Prohibition and Excise Act, 2016 read with amendment Act 2018. There is negligence on part of the seizing authority/Officer as it is totally illegal. It is admitted fact that no liquor has been seized from the subject matter of motor vehicle therefore, the petitioner has made out a case for issuance of direction to the concerned authority to release of the subject matter of motor vehicle. Accordingly, the concerned authority is hereby directed to release the subject matter of vehicle within a period of one week from today. It is a case for award of litigation cost and it is quantified @ Rs.



10,000/-. Cost shall be paid to the petitioner for compelling him to suffer harassment from 03.10.2023 read with filing of the present petition and till date. The concerned officials were permitted to initiate disciplinary proceedings against such of those persons who were all responsible in seizing the subject matter of vehicle illegally and recover the cost amount after due following the Bihar CCA Rules 2005.

3. Writ petition stands allowed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.04.2024
Transmission Date	NA

