

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6104 of 2024

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Gayanti Devi Wife of Late Suresh Sharma Resident of Village- Rahimapur,
P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Home Department, Government of Bihar, Patna.
2. The Principal Secretary, Excise Department, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The District Magistrate-cum-Collector, Supaul.
5. The Superintendent of Police, Supaul.
6. The District Transport Officer, Supaul.
7. The Sub-Divisional Officer, Supaul.
8. The Executive Magistrate, Supaul.
9. The S.H.O., Bhaptiyahi Police Station, District- Supaul.
10. The Investigating Officer, Bhaptiyahi P.S. Case No. 130 of 2020, District- Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate
For the Respondent/s	:	Mr. Kinkar Kumar, SC -9
		Mr. Yogesh Kumar, AC to SC -9

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

7 06-09-2024 In the instant petition, petitioner has prayed for the
following relief (s) :-

*(I) to quash / set aside the order dated
10.09.2021 passed in Confiscation Case No. 33 of
2021 by the Sub-Divisional Officer, Supaul
whereby and where under he has been pleased to
direct the Executive Magistrate, Supaul to*



confiscate the Bolero Pick-up bearing Reg. No. BR31GA 8244, Engine No. TBH1H76169, Chassis No. MAIZN2TBKH1H61380 seized in Bhaptiyahi P.S. Case No. 130 of 2020 and directed the District Transport Officer, Supaul to freeze the ownership of the Petitioner (her husband viz. Suresh Sharma - died) as well to issue R.C. to the bidder, which is still parked in her house premises.

B. *A writ in the nature of MANDAMUS or any other appropriate writ/s, order/s directing the Respondent Authorities the following:*

(I) to direct the Respondent Authorities to restore the ownership of the Petitioner's husband with respect to the Bolero Pick-up bearing Reg. No. BR31GA 8244, Engine No. TBH1H76169, Chassis No. MAIZN2TBKH1H61380, which is still in the possession and house premise of the Petitioner;

(II) to hold a fresh investigation with respect to the Bolero Pick-up bearing Reg. No. BR31GA 8244, Engine No. TBH1H76169, Chassis No. MAIZN2TBKH1H61380 seized in Bhaptiyahi P.S. Case No. 130 of 2020;

(III) to direct the Respondent Authorities to compensate the Petitioner as she is not able to use her commercial vehicle i.e. Bolero Pick-up bearing Reg. No. BR31GA 8244, Engine No. TBH1H76169. Chassis No. MAIZN2TBKH1H61380 due to freezing of ownership of Petitioner's husband;



C. to any other relief/s to which the Petitioner is found entitled to”.

2. The petitioner claimed to be the owner of Bolero vehicle bearing Registration No. BR31GA 8244, Engine No. TBH1H76169, Chassis No. MAIZN2TBKH1H61380 and it is physically not involved in any excise matter in Bhaptiyahi P.S. Case No. 130 of 2020. Her husband who was the owner of the aforesaid vehicle has died. Resultantly, before transfer of the documents in her name, the aforementioned alleged incident has taken place. In fact, subject matter of vehicle bearing Registration No. BR31GA 8244, Engine No. TBH1H76169, Chassis No. MAIZN2TBKH1H61380 has been utilized for some other vehicle. Resultantly, petitioner's husband vehicle has been unnecessarily involved in the alleged offence merely on the score that petitioner's husband vehicle bearing the Registration no. BR31GA 8244, Engine No. TBH1H76169, Chassis No. MAIZN2TBKH1H61380 and other details.

3. Respondents have admitted that two vehicles carrying the same registration number and other things. The original owner of the subject matter of vehicle was the petitioner's late husband. In other words, respondents have admitted that petitioner's husband vehicle description has been



misused or abused by the miscreants and such a vehicle has been involved in the excise offence, in other words take number plate and other details used in an unknown vehicle.

4. Having regard to the above facts and circumstances, the impugned order dated 10.09.2021 passed in Confiscation Case No. 33 of 2021 stands set aside in so far the aforesaid vehicle of the petitioner's husband and the writ petition is allowed.

5. If the respondents have arrayed petitioner's late husband- Suresh Sharma name in the criminal proceedings in that event, they have to take necessary steps to remove his name. Even otherwise, his name shall be removed in all relevant documents, to that effect necessary steps shall be taken by the official respondents within a period of six months from the date of receipt/production of a copy of this order.

6. The respondents are at liberty to take appropriate steps in view of these later development in respect of seized vehicle.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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