IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13945 of 2021

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Priyanka Verma, Wife of Rohit Kumar, Resident of Mohallah-Jhhon Babu House, Purana Chouk, Buxar, P.S.-Buxar (Town), District-Buxar, Pin Code-802101 (Bihar), presently residing at the House of Lalan Prasad, Flat No. 1, 404, N.T.P.C. Bihar Phase-3, Ambedkar Path, P.S.-Rajeev Nagar, P.O.-B.V. College, District-Patna, Pin Code-800014 (Bihar).

... ... Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Excise Additional Chief Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
4. The District Magistrate, Buxar, District-Buxar (Bihar).
5. The Superintendent of Excise, Buxar, District-Buxar (Bihar).
6. The Superintendent of Police, Buxar, District-Buxar (Bihar).
7. The Station House Officer, Buxar (Town) Police Station, Buxar, District-Buxar (Bihar).
8. The Investigating Officer of Buxar (Town) Police Station Case No. 699 of 2019, District-Buxar (Bihar).
9. Ranjit Kumar Gupta, S/o Ram Prasad Gupta, Village- Charkhamba Gali, P.O. and District- Bhojpur (Ara).

... ... Respondents.

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Appearance :

For the Petitioner	:	Mr. Abhay Kumar Pandey, Advocate.
For the State	:	Mr. Kumar Pankaj, AC to SC-5.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 10-12-2024

Mr. Pankaj Kumar Singh, Dy. S.P. (Headquarter), Buxar, is present in the Court.

2. Pursuant to our previous order dated 03.12.2024, certain materials have been placed on record by both the parties.

3. In the present case, there is meagre recovery of 500 ml. of beer from the vehicle viz. Maruti Swift Dzire car bearing Registration No.BR-01BQ-2918. The vehicle has been confiscated on 30.06.2020 and, thereafter, it was auctioned for a meagre amount of Rupees One Lac and Five Thousand. While determining the auction price, the concerned authority has failed to adopt any of the yardstick. Assuming that there are no Insurance Policy in that event, it was bounden duty of the concerned authority to verify with the DTO or Insurance Company to ascertain what would be value of the identical vehicle with reference to model and other details. On the other hand, with the naked eyes, office of the DTO or staff of the DTO determined under valuation of the vehicle and it was auctioned at throwaway price of Rupees One Lac and Five Thousand.

4. Today, learned counsel for the petitioner furnished Insurance Policy as on the date of the seizure of the vehicle and it has been valued at Rs.3,34,800/-(Rupees Three Lacs Thirty Four Thousand Eight Hundred) (Annexure-7 to the Supplementary Affidavit).

5. Taking note of these dates and events, for meagre recovery of 500 ml. of beer, confiscation of vehicle worth about

Rs.3,00,000/-(Rupees Three Lacs) would be too harsh. Further, we have also noticed that no individual notice has been issued before undertaking auction proceedings, on the other hand, whole sale number of vehicles have been auctioned under one notification. Consequently, petitioner has not been provided an opportunity of offering himself or participating in the process of auction or an opportunity to file an application to impose fine instead of auction of the subject matter of the vehicle.

6. In the light of these facts and circumstances, the respondents have committed error in each and every stage. Therefore, the concerned authority is hereby directed to pay a sum of Rs.3,00,000/-(Rupees Three Lacs) to the petitioner instead of Rs.3,34,800/-(Rupees Three Lacs Thirty Four Thousand Eight Hundred) for the reasons that Insurance Policy was for the period from 21.12.2018 to 20.12.2019 read with the fact that vehicle was seized on 02.10.2019. Thus, there would be a depreciation of the vehicle for about 10 months.

7. For committing the offence under the Excise offence insofar as possessing 500 ml. of beer, the petitioner is liable to pay fine of Rs.10,000/-(Rupees Ten Thousand). He shall pay Rs.10,000/-(Rupees Ten Thousand) within a period of two weeks from today. The concerned authority is hereby directed to release the amount of Rs.3,00,000/- (Rupees Three Lacs) in favour of the petitioner/ owner of the subject matter of the vehicle within a period of six weeks from the date of receipt of this order.

8. Accordingly, the instant writ petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.12.2024.
Transmission Date	NA