

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11220 of 2024

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Lallu Kumar, son of Upendra Yadav, resident of Village-Nijay Bigha Par, P.S.-
Rahui, District-Nalanda.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Excise Commissioner, Patna, Bihar.
3. The District Magistrate cum Collector, District-Vaishali.
4. The District Magistrate cum District Officer, District-Nalanda.
5. The Superintendent of Police, District-Vaishali.
6. The Superintendent of Police, District-Nalanda.
7. The Excise Superintendent, District-Vaishali.
8. The District Transport Officer, District-Vaishali.
9. The Station House Officer, Industrial Police Station, District-Vaishali.
10. The Station House Officer, P.S. Rahui, District-Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Ms. Anuradha Singh, SC-21
Mr. Rakesh Pnashat, AC to SC-21

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

Date : 13-08-2024

None appears for the petitioner.

2. Learned counsel for the Respondent-State, on instruction, submitted that on 08.08.2024 subject matter of vehicle has been released in favour of the petitioner.

3. The vehicle is seized on 07.03.2022. Thereafter, the concerned authority was required to invoke provisions of



Bihar Prohibition and Excise Act insofar as conducting confiscation proceedings, the same has not been resorted to. Resultantly, unnecessarily, subject matter of vehicle has been seized and kept in their custody for 02 years and 05 months, it is nothing but high handedness. Therefore, the petitioner is entitled to litigation cost for illegal seizure of the vehicle and kept with them for about 02 years and 05 months. Cost is quantified at Rs.50,000/- (Rs. Fifty Thousand). Cost shall be paid to the petitioner within a period of 08 weeks from the date of receipt of this order.

4. The concerned authority is hereby requested to initiate departmental inquiry and recover the fine amount from the respective officials, who are all responsible. In this regard, the disciplinary authority of the respective department is hereby requested to follow the Bihar CCA Rules, 2005 or provisions of Police Mannual, whichever is applicable to the respective government servants/employee. The above exercise shall be undertaken after giving due ample opportunity to such of those employees/officer involved in the subject matter of seizing the vehicle, illegally, for about 02 years and 05 months, thereafter, proceed to conclude the inquiry within a reasonable period of 06 months from the date of receipt of this order.



5. With the above observation and directions, the present Writ petition stands disposed of. List this matter to verify whether authorities have complied this order or not, after seven months from today.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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