

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12951 of 2024

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Jitendra Kumar S/o Upendra Prasad, Resident of Village- Bahadurpur, Post-
Ramraichak, P.S.- Sirdala, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar Prohibition and Excise Department, Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Superintendent of Excise, Gaya.
4. The Superintendent of Police, Gaya.
5. The Officer in charge, Wazirganj Police Station, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Advocate
For the Respondent/s : Mr.Standing Counsel (11)

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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 : 05-09-2024

Mr. Bankateshwar Ojha, Officer In-charge,

Wazirganj Police Station, Gaya is present in the Court.

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

*(I) To issue an
appropriate order/s, direction/s
including a writ preferably in nature of*



Mandamus commanding the respondents to release the vehicle/ Mahindra Bolero bearing Registration NO. BR02PB-2536 Chassis NO. MA1XM2WJXK5H52545 Engine No. WJK6H56399 in favour of the petitioner who is owner of the said vehicle seized in Wazirganj P.S. Case No. 576/ 2022 registered under section 30 (a) and 45/ of Bihar Prohibition and Excise Act,2016 lying in the premises of Police station and subject to natural decay by furnishing sufficient penalty to the satisfaction of learned District Magistrate, Gaya.

(ii) Any other relief/s to which the petitioner is entitled in the facts and circumstances of the case.

3. Subject matter of vehicle is not involved in Excise offence. Only on suspicion, 5th Respondent, Officer In-charge, Wazirganj Police Station, District – Gaya has seized the subject matter of vehicle on 26.10.2022. Till date, this vehicle has not been released in favour of the petitioner. The respondents have not apprised what made



them to seize the vehicle. If there are any suspicion, at the best, they could have arrested the driver and taken further action. In the absence of any seizure of liquor from the subject matter of vehicle, the police authorities have exceeded their jurisdiction under the Excise Act. Accordingly, writ petitioner has made out a case.

4. The concerned authority is hereby directed to release the subject matter of vehicle forthwith after due examination of the records relating to subject matter of vehicle.

5. Writ petition stands allowed with cost of Rs. 20,000/-. Cost shall be paid to the petitioner for the reasons that his vehicle was seized on 25.10.2022 and even to this day, it was under the police custody / Excise Departmental custody. The cost shall be recovered from the concerned officials who are all involved in illegal seizure of the subject matter of vehicle. Such action shall be undertaken by the disciplinary authority to the respective government officials after due following process under Bihar CCA Rules, 2005 or Police Manual.



6. The aforementioned action shall be undertaken within six months from the date of receipt of this order.

7. Personal appearance of *Mr. Bankateshwar Ojha, Officer In-charge, Wazirganj Police Station, Gaya* stands dispensed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.09.2024.
Transmission Date	N/A

