

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14242 of 2024

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Sumit Kumar, S/o Mankeshwar Prasad, R/o village- Khalwa Khap Tola, Ward
No. 2, P.S.- Nautan, District- West Champaran.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, West Champaran, Bettiah.
3. The Superintendent of Police, West Champaran, Bettiah.
4. The Superintendent of Excise Department, West Champaran, Bettiah.
5. The Officer in Charge, Bettiah Muffasil (Manuapul), Police Station, West Champaran.
6. The Investigating Officer, Bettiah Muffasil (Manuapul), Bettiah, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Respondent/s : Mr. Government Advocate (13)

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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 : 07-10-2024

In the instant petition, petitioner has prayed for
following reliefs:-

*“(a) For issuance of appropriate writ
commanding the respondent authorities to release
the Truck bearing **Registration No. BR02GA9201,**
Chasis No. MAT448202F5J68897 and Engine
No. B591803251J64476303 of the petitioner which
has been seized by the respondent police officials*



in Bettiah Muffasil (Manuapul) P.S. case No. 396/2023, registered for the offences U/S 279, 304A of IPC and U/S 37 of Bihar Prohibition and Excise Act, pending in the court of learned Exclusive Special Judge Excise, Bettiah, West Champaran. The vehicle of the petitioner is lying on the police station premises.

(b) For the issuance of any other relief/reliefs to which the petitioner may be found entitled, in the present facts and circumstances of the case in favour of the petitioner."

2. Learned counsel for the petitioner submitted that no liquor was seized from the subject matter of the vehicle in terms of FIR. Therefore, unnecessarily, the Police/Excise Authorities have detained the subject matter of the vehicle for more than one year. In identical matter, we have passed order on 30th January, 2024 in C.W.J.C. No. 4040 of 2023. Accordingly, the concerned Authority is hereby directed to release the subject matter of vehicle after due verification of the ownership of the vehicle within a period of one week from today.

3. Writ petition stands allowed with the cost of Rs.



50,000/- (Rs. Fifty Thousand). Cost shall be paid by the Respondents for the reasons that petitioner has been unnecessarily harassed for more than one year. Further, petitioner is hereby directed to take a videograph of the motor vehicle before releasing of the subject matter of vehicle so as to verify the condition of the vehicle is in order or not and to fix responsibility on the concerned Authority to the extent that they have misused the vehicle during the custody of the vehicle. Petitioner is at liberty to recall this order in the event of vehicle condition is not in order so as to take necessary steps against such of those erring officers, who are all involved in the subject matter of vehicle.

4. With the above observation and direction, the present Writ petition stands allowed.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

prabhakar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A
Uploading Date	08.10.2024
Transmission Date	N.A.

