

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14014 of 2024

=====

Naveen Kumar Son of Satbir Singh, Resident of Mohalla- House No.- 405,
VPO, Bindhrohil (Bidhnauli), P.O.- Bindhrohil, P.S.- Kundali, District-
Sonipat (Haryana).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna
2. The Director General of Police, Government of Bihar, Patna.
3. The District Magistrate -cum- Collector, Sasaram, Rohtas.
4. The Superintendent of Police, Sasaram, Rohtas.
5. The Deputy Superintendent of Police, Dihari Sadar, Sasaram, Rohtas.
6. The Station House Officer, Dihari Town Police Station, Sasaram, Rohtas.
7. The Investigation Officer in Dihari Town P.S. Case No. 445 of 2020,
Sasaram, Rohtas.
8. Subodh Kumar, Son of Sri Vidhyanand Singh, Resident of village and Post
and P.S.- Maner, District- Rohtas. Inspector- cum-SHO, Dihari, Rohtas.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Shyam Kishore, Advocate
For the State	:	Mr. Kinkar Kumar, SC-9

=====

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 : 24-10-2024

On 26.09.2024, we have passed the following

orders.

*“Mr. Shivendra Kumar, S.H.O, Dehri
Town Police Station, Sasaram, Rohtas is
present in the Court proceedings.*

2. As on 27.06.2020 the date on

which the F.I.R. was registered by Mr. Subodh Kumar, Ins-cum- S.H.O., Dehri Town Police Station, Sasaram, Rohtas was competent person to register F.I.R. and seized the vehicle. It is reliably learnt that he has been rewarded with the promotion to the post of SDPO. Therefore, he shall be summoned through the head of the department- Respondent No. 8.

3. Learned counsel for the State is hereby directed to secure his presence on the next date of hearing. Copy of this order shall be furnished to the State counsel to enable to implement today's order.

4. Be that as it may, in the absence of seizure of any liquor from the subject matter of vehicle, the vehicle cannot be seized and it is in police custody for more than four years and two months. Therefore, the Superintendent of Police, Rohtas, Sasaram/the District Magistrate, Rohtas, Sasaram is hereby directed to release the subject matter of vehicle in favour of the petitioner while examining the ownership of the vehicle with reference to the documents. Thereafter, an undertaking shall be taken from the petitioner that as and when vehicle is required for production in the subject

matter of case that he will produce before the competent Court or authority. The vehicle shall be released within a period of one week from today. The Superintendent of Police, Rohtas is not supervising and control over his sub-ordinates resulted in seizure of vehicle and kept in their custody for more than four years. He/She has to under take review in such matter frequently.

5. Petitioner is permitted to take out digital photograph about condition of the vehicle and place it on record on the next date of hearing.

6. Re-list this matter on 24.10.2024.

7. The personal appearance of Mr. Shivendra Kumar, S.H.O., Dehri Town Police Station, Sasaram, Rohtas stands dispensed until further orders.

8. Copy of this order be forwarded to D.G.P., State of Bihar and Commissioner of Excise, State of Bihar through Registrar General of this Court.”

2. Mr. Subodh Kumar/respondent No. 8 is present in the Court. Due to his inaction in so far as seizure of the subject matter of vehicle resulted in

subject matter of vehicle was kept in the police custody for four long years. The seizure of the vehicle was with reference to offences under Excise Act and it was in the absence of seizure of any liquor from the subject vehicle. If the vehicle is seized other than the offence under Excise Act, in that event, F.I.R should have been processed in the criminal proceedings. The same has not been undertaken. Therefore, today, We have asked Mr. Subodh Kumar/respondent No. 8 either to face a disciplinary proceeding or criminal proceedings for illegally seizing the subject matter of the vehicle and unnecessarily harassed the petitioner for four long years. In the alternative, he has expressed to pay Rs. 1,00,000/-(One Lakh) as compensation from his pocket to the petitioner. Such a payment shall be made to the petitioner through Bank transfer within a period of eight weeks from today.

3. The petitioner is hereby directed to furnish his bank account to Mr. Subodh Kumar/respondent No. 8

through electronic mode. In this regard, respondent No. 8 is hereby directed to furnish his mobile number to the petitioner’s counsel.

4. If Mr. Subodh Kumar/respondent No. 8 fails to pay the aforementioned compensation within the time limit stipulated, petitioner is at liberty to make an application to revive this order.

5. With the above observations, the present petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Shageer/P.S

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	28/10/2024
Transmission Date	N/A