

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14318 of 2024

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Rajendra Narayan Singh @ Rajendra Singh Son of Ram Lagan Singh
Resident of Village- Karma, P.S.- Jamhor, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Bihar, Patna.
2. The Principal Secretary, Department of Excise, Bihar, Patna.
3. The District Magistrate, Rohtas, Sasaram, Rohtas.
4. The Superintendent of Police, Rohtas, Sasaram, Rohtas.
5. The Superintendent of Excise, Rohtas, Sasaram, Rohtas.
6. The Officer-in-Charge, Chenari Police Station, Sasaram, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Udbhav, Advocate
For the Respondent/s : Mr.Fazle Karim, AC to SC-1

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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 : 03-10-2024

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

*“That the present writ petition is for
issuance of appropriate writ/writs,
direction/directions, order/orders to the
Respondents herein directing the release of
the Scorpio car registered in the name of
the petitioner bearing Registration No.
JH10BT2351 to the petitioner which has
been seized in connection with Chenari*



P.S. Case No. 381/2023 dated 18.11.2023 registered for the alleged offence under section 30(a) of the Bihar Prohibition and Excise Act along with other penal provisions; and further for any other relief(s) for which the petitioner may be entitled to.”

2. On 29.05.2024, we have passed the following order:-

“The Superintendent of Police, Rohtas, Sasaram is hereby directed to file his personal affidavit as to why the subject matter of vehicle bearing Registration No. JH10BT2351-Scorpio motor vehicle has been seized, in the absence of any seizure of liquor from the aforementioned vehicle. Such affidavit be filed before the next date of hearing for the reasons that the subject matter of vehicle has been seized and it is lying in the custody of the police, since 18.11.2023.

2. Re-list this matter on 03.10.2024.”

3. Respondent No. 5 has filed counter affidavit on behalf of the Respondents. Pursuant to our order dated 29.05.2024. In Para 12, they have stated as under:-

“12- That, as regards para (18) of the writ petition is concerned; proposal for initiation of confiscation



proceeding against the seized Truck has been sent to the District Magistrate, Rohtas, vide DR No. 626/24 dt. 22.02.24, and a report has also been submitted before the Ld. Court of A.D.J.-1, Cum- Special Court of Excise, Sasaram, about release of the said Scorpio vehicle Reg. No. JH10BT2351 vide DR No. 1641/24 dt. 25.05.24.

[underline supplied]

4. In the light of the aforementioned submission and facts of the case, the respondents have committed serious error in seizing the subject matter of vehicle from 18.11.2023 to this day almost about 11 months in registering false case. Therefore, they are hereby directed to release the subject matter of vehicle forthwith after due verification of the ownership of the subject matter of vehicle, if it is not released as on today.

5. C.W.J.C. No. 14318 of 2024 stands allowed with cost of Rs. 25,000/-. Cost has been imposed for the reasons that petitioner has been unnecessarily harassed for these many months and so also he was compelled to approach this Court. This is nothing but high handedness of officials. Cost shall be paid to the petitioner within a period of three months from the date of receipt of this order.

6. Copy of this order shall be forwarded to the



Chief Secretary, State of Bihar in ordering departmental proceedings against such of those erring officers including supervising officers.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21.10.2024
Transmission Date	N/A

