

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2011 of 2024

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Hira Kumar Das S/o Late Rameshwar Das, resident of mohalla- Baskothi
(Digha), P.S. - Digha and Dist. - Patna.

... .. Petitioner.

Versus

1. The State of Bihar.
2. Dist. Magistrate Arwal.
3. Superintendent of Police, Arwal.
4. Officer in charge Arwal Police Station, Arwal.

... .. Respondents.

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Appearance :

For the Petitioner	:	Mr. Binayak Kumar Shrivastav, Advocate.
For the State	:	Mr. Raisul Haque, Standing Counsel-10.

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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 : 26-02-2024

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

- “i) For issuance of appropriate writ/order/
direction to respondents to release
Scorpio to valid owner (Petitioner) its
Reg No.BR01PG 5884 Engine
No.WGG4K29832 Chesis
No.MAITAZWGXG2K38480 which was
seized in connection with Arwal P.S. case
No.208/2021 on 26.7.2021 u/s 30(a)
Bihar Excise Act.
- ii) For issuance of appropriate writ/order
direction to respondents not to sell said



Scorpio (seized) in auction sell.

- iii) For issuance of appropriate writ/order/direction/directions to respondent to consider that nothing wine/liquor was recovered from said vehicle (Scorpio).
- iv) For issuance of appropriate writ/direction/directions to respondents to consider that not single person who were present in said vehicle in state of intoxication (durken).
- v) For issuance of appropriate writ/order/direction to respondents to consider that petitioner was not present in said Scorpio.
- vi). For issuance of appropriate writ/order/direction to respondent to consider that vehicle in question is costly standing under open sky, decaying day to day.
- vii) For issuance of appropriate writ/order/direction to respondent to consider that petitioner is valid owner of said scorpio in question and he has valid document.
- viii) For issuance of appropriate writ/direction/order to respondent that no notice was served to petitioner before making him accused and seize said Scorpio, it is total ignoring law.
- ix) For issuance or appropriate writ/order direction to respondent to pay cost compensation to petitioner for illegally



seized vehicle in question.

- x) For any other relief as your lordship may deem fit and proper in this fact and circumstances of said case.”

2. On 21.02.2024, we had requested the learned counsel for the State to ascertain whether any confiscation proceedings have been initiated and concluded. It is submitted that no such proceedings have been launched. Insofar as subject matter of motor vehicle, it is submitted that petitioner's name is stated to have been reflected in the F.I.R. in connection with some other vehicle. Therefore, the subject matter of motor vehicle was seized. Such reasoning for seizure of the subject matter of motor vehicle, namely, Scorpio Registration No.BR01PG5884 in connection with Arwal P.S. Case No.208 of 2021 on 26.07.2021 for the alleged offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 is highly arbitrary. Therefore, the concerned authority is hereby directed to release the subject matter of motor vehicle after due identification of the owner within a period of two weeks from today.

3. Having regard to the illegalities in seizure of the subject matter of the motor vehicle and it is kept in custody with the official respondent from 26.07.2021 to this day, they are



liable to pay compensation to the petitioner. The compensation amount is quantified at Rupees One Lac. The same shall be paid to the petitioner within a period of eight weeks from the date of receipt of this order. Competent authority is at liberty to initiate disciplinary proceedings against such of those official/s is/are involved in the arbitrary decision to seize the subject matter of vehicle and proceed to recover from such official/s.

4. Accordingly, the present writ petition stands disposed of.

5. At this stage, learned counsel for the petitioner submitted that the vehicle is stated to have been misused. If it is so, he is at liberty to file suit for damages against the concerned officials.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.02.2024.
Transmission Date	NA

