

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2111 of 2025

Dayashankar Prasad, S/o Hari Prasad R/o-A-803 City Apartment Aditya
World City NH-24, Bamheta in the District of Gaziabad, Uttar Pradesh

... .. Petitioner

Versus

1. The State of Bihar through Secretary Excise and Prohibition Department
Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Gopalganj, Bihar.
4. The Superintendent of Police, Gopalganj, Bihar.
5. The Superintendent of Excise, Gopalganj, Bihar.
6. The SHO, Excise Police Station, Kuchaikote, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Harshvardhan, Advocate
For the Respondent/s	:	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 : 10-04-2025

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

*“(i) For issuance of a writ of Mandamus or
any other appropriate order/orders,
direction/directions directing the respondents to
release the vehicle of the petitioner which is
Scorpio-N G MT 2 WD Z4 7S XH popularly known
as Scorpio-N, without number plate, having*



Registration No. 24BH9982C, Engine No. ZCR4A57162 and Chassis No. MAITJ2ZC6R6B56563 which has been seized by the State officials under the Kuchaykote P.S. Case No. 377/2024 u/s 30(a) of the Bihar Prohibition and Excise (amendment) Act, 2018;

*(ii) For direction may be given for disposal of present case in light of the Hon'ble Patna High Court's decision in **Sunaina Vs State of Bihar** (CWJC No. 7920/2023).*

And/Or

(iii) For any other order/orders, relief/reliefs for which the petitioner may be entitled in the eyes of law."

2. Petitioner has a remedy before the Appellate Authority or Competent Authority for the purpose of release of the Vehicle under Rule of 12A of the Bihar Prohibition and Excise Rules, 2021 read with amended Sub-Rule 2 of Rule 12A in the year 2022 and 2023. He is at liberty to invoke remedy before the concerned Authority in the prescribed format. If such application is filed, the concerned Authority is directed to examine and release the subject matter of vehicle with certain



conditions to be imposed, including fine, if any.

3. That apart, petitioner has contended that petitioner's seized vehicle is being abused and misused. To this effect, on 19.03.2025, we have passed the following order:

“The Superintendent of Police, Gopalganj is hereby directed to file his personal affidavit to the extent after seizure of the subject matter of vehicle and it is being misused by some officials/employees/government servants/any other third person or not. In view of the serious allegation made by the petitioner to the extent that seized vehicle is being misused or abused, such affidavit be filed before the next date of hearing.

2. Re-list matter on 26.03.2025.

3. Copy of this order shall be furnished to the State counsel - Mr. Kinkar Kumar.”

4. Resultantly, the Superintendent of Police, Gopalganj has filed his personal affidavit in which he has admitted the alleged allegations and he has initiated disciplinary proceedings like issuance of Show-Cause Notice and seeking explanation from the concerned officials, who are all involved



for the alleged abuse of the seized vehicle.

5. Be that as it may, the same shall be concluded and report shall be furnished before this Court on 19.06.2025. In the light of the second issue is concerned, the petitioner is entitled to damages/compensation for misusing or abusing the vehicle by the Police officials to the tune of Rs. 25,000/- (Rs. Twenty Five Thousand). The same shall be paid to the petitioner within a period of four weeks from today. Damages/ Compensation to be paid to the petitioner shall be recovered from the concerned officials after holding departmental inquiry in the manner known to the law. Such exercise shall be completed within a period of six months from the date of receipt of this order after due following the relevant disciplinary/Rules/Regulations and it has to be strictly followed.

6. With the above observation, the present Writ petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.04.2025
Transmission Date	NA

