

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3274 of 2022

Shilpi Keshri

... .. Petitioner/s

Versus

The State of Bihar & Ors.

... .. Respondent/s

Appearance :

For the Petitioner/s

:

Ms. Shilpi Keshri, (In Person)

For the State

:

Mr. Prabhat Kumar Verma, AAG-3

Mr. Sanjay Kumar Ghosarwey, A.C. to AAG-3

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 06-04-2022

Shri P.K. Verma, learned Additional Advocate

General No. 3, informs that all the vehicles seized/confiscated in relation to several offences by Police Station, Gandhi Maidan and Traffic Police Station, Gandhi Maidan stands removed from the public path/road at Gandhi Maidan.

Ms. Shilpi Keshri states that she has personally visited the site and found such fact to be correct.

The communication that of Director General of Police, Government of Bihar dated 05.04.2022 is taken on record.

The issue cannot be allowed to rest here, for we are looking for a permanent solution to the perennial problem of safe custody; release and disposal of the seized property. The law, be it The Code of Civil Procedure, 1908; The Code of Criminal Procedure, 1973; The Narcotic Drugs and



Psychotropic Substances Act, 1985; The Bihar Prohibition & Excise Act, 2016 or The Customs Act, 1962 provide mechanism for such purpose. The only thing lacking is the Will of all the stakeholders in implementing such provisions.

The Director General of Police, Government of Bihar has placed on record details of some of the vehicles in relation to which the issue was taken up with the District Judge, Patna.

It appears that such request was not acted upon.

We shall deal with such aspect a little later, but at the first instance, we direct the Director General of Police, Government of Bihar to file his personal affidavit indicating- (a) the total number of Police Stations within the Municipal limits of Patna town; (b) the number of motor vehicles, as defined under the provisions of the Motor Vehicles Act, 1988, seized with respect to each one of the Police Stations; (c) the steps taken for disposal thereof; (d) the number of cases which are pending before different Courts; (e) details of the case numbers.

We are also of the considered view that all the stakeholders must immediately convene a meeting examining how best the provisions of the Act can be implemented in early release/disposal of the motor vehicles, for as has come on record the vehicles which were parked at Gandhi Maidan has become



only junk property.

We also notice that the Additional Director General of Police (Headquarters), Bihar, vide communication dated 11th of March, 2022, has requested the Additional Chief Secretary, Home Department, Government of Bihar for providing 20 acres of land in Patna urban area where the seized vehicles can be parked in safe custody.

Let the Additional Chief Secretary, Home Department, Government of Bihar take a decision thereupon at the earliest, preferably within a period of four weeks from today.

In the meanwhile, on the other issue, the Director General of Police, Government of Bihar shall file his affidavit within two weeks.

For such purpose, list this case on 21st of April, 2022.

Needless to add, henceforth, no vehicle would be allowed to be parked unauthorizely and more so the seized vehicles at the place from where such vehicles stand removed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

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