

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6439 of 2026

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Santosh Yadav @ Santosh Kumar Yadav Son of Budhan Yadav @ Rajdev Yadav Resident of Village Daebra, PS Lesaliganj, District Palamu (Jharkhand).

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Excise Department, New Secretariat, Patna.
2. The Principal Secretary, Excise Department, New Secretariat, Patna.
3. The District Magistrate, Aurangabad (Bihar).
4. The Additional Collector, Excise Court no 2, Aurangabad (Bihar).
5. The Superintendent of Excise, Aurangabad (Bihar).
6. The Officer Incharge, Excise, PS Aurangabad, PO and PS Aurangabad (Bihar).
7. The Officer-In-Charge, Palamu Town Police Station, PO and PS and District Palamu (Jharkhand).

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Respondent/s : Mr. Shailendra Kumar Dwivedi, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE KUMAR MANISH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 29-06-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Petitioner in this writ application is seeking the
following reliefs:-

“(a) For a direction to the respondents
authorities to release Hero Spender Plus
Motorcycle bearing its Registration No.
JH03AE-8386, Chassis no.
MBLHAW125MHF01611, Engine No.



HA11EDMHF01324 in favour of petitioner which has been seized in connection with Aurangabad Excise P.S. Case no. 617/25 registered under section- 30(a), 32(3) of the Bihar Excise Prohibition Amended Act- 2018 by the respondents authorities without committing any offence by the petitioner, and refund his amount of fine of Rs. 8387.00 which has been taken from petitioner illegally in Confiscation Case no. 208/25.

(b) For a direction to the respondent authorities to pay compensation to the petitioner because in spite of the release order dated 24/12/25 passed by Additional Collector-cum-Competent Authority passed in Confiscation Case no. 208/25 vehicle was not released.

(c) For a direction to the Respondent authorities to take a legal action against the erring office who has not released his vehicle at compelled to petitioner for depositing of fine amount of Rs. 8387.00 alongwith other amount.

(d) For any other order/ orders as your Lordships may deem fit and proper.”

3. From the averments made in the writ application, it appears that the vehicle in question has been seized in connection with Aurangabad Excise P.S. Case No. 617 of 2025 registered under Sections 30(a) and 32(3) of the Bihar Excise and Prohibition Act, 2016 (as amended upto date), the two persons who were present on the vehicle were searched and from their possession total 770 ml Imperial Blue Blended Grain



Whisky was recovered from the bag.

4. Learned counsel for the petitioner submits that the vehicle in question was stolen away by unknown persons on 09.07.2024 and in this regard, an information was given to the Palamu Town Police Station which was recorded by S.D.E. No. 27 of 2024 dated 19.07.2024. It is submitted that the information regarding the *sanha* diary entry made in the Palamu Town Police Station was given to the confiscating authority at the time of seeking release of the vehicle in terms of Rule 12A of the Bihar Prohibition Excise Rules, 2021 (as amended upto date) but the confiscating authority did not take note of it and proceeded to pass order as contained in Memo No. 487 dated 10.10.2025 (Annexure 'P/5'). The confiscating authority has imposed penalty of Rs. 8,639/- for purpose of release of the vehicle.

5. Learned counsel for the petitioner submits that petitioner has deposited the amount vide receipt (Annexure 'P/6') and the vehicle was ordered to be released but till date the vehicle has not been released. At this stage, learned counsel for the petitioner submits that the vehicle has already been released in favour of the petitioner.

6. It is his submission that imposition of penalty in



this case is neither legal nor justified because the vehicle had been stolen away and in this regard, there was an information in the Palamu Town Police Station.

7. On the other hand, learned counsel for the State, submits that the fact that the vehicle was stolen was never brought to the notice of the confiscating authority. No written information/application was filed in this regard before the confiscating authority, rather the petitioner agreed to deposit the penalty amount and gave an undertaking that he will not claim refund of the same in future.

8. It is further submitted that the *sanha* diary entry alone would not inspire confidence. There is nothing on the record to show that after giving information to Palamu Town Police Station on 09.07.2024 when the FIR was not registered why the petitioner maintained a silence and did not lodge any complaint with the senior police officers in terms of Section 154(3) of the Code of Criminal Procedure (now Section 173(4) of the Bharatiya Nagarik Suraksha Sanhita) for lodging of the FIR. In such circumstance, this Court sitting in its writ jurisdiction may not consider a plea which apparently seems to be an afterthought.

9. Having heard learned counsel for the petitioner and



learned counsel for the State, we agree with the submissions advanced on behalf of the State. The *sanha* diary entry alone would not inspire confidence of the Court. This has also to be seen in the light of the subsequent conduct of the petitioner in not approaching the senior police officers in accordance with law for purpose of registration of FIR and investigation of theft. Inaction on the part of the petitioner would prove fatal to him. The Palamu Town Police Station has not conducted any investigation because no FIR was lodged in the matter and there is no report that the occurrence of theft is true.

10. Further, this Court finds that on record there is no material to show that before the confiscating authority the petitioner had filed any written information saying that the vehicle in question is a stolen vehicle. We, therefore, decline to subscribe the plea of the petitioner that no penalty could have been imposed for the purpose of release of his vehicle.

11. This writ application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

(Kumar Manish, J)

Rishi/Ritesh/-

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