

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9982 of 2019

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Sunil Kumar Gupta, Son of Sri Vishwanath Prasad, Resident of Mohalla-
Barah Pathar, Ward No. 36, Puja Lab., Dehri, P.S.- Dehri, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Superintendent of Police, Excise, Rohtas, District- Rohtas.
4. The Officer-in-Charge, Dehri (T), P.S.- Dehri (T), District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Mishra, Advocate Mr. Arun Kumar Singh, Advocate
For the Respondent/s	:	Mr. Vikash Kumar, SC-11 Mr. Rewati Kant Raman, AC to SC-11

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
and
HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

6 05-12-2019 Heard Mr. Surendra Kumar Mishra, learned counsel

for the petitioner and Mr. Rewati Kant Raman, learned AC to

SC-11.

The present writ application has been preferred for a
direction to the respondent authority to release black colour
Scorpio 4 vehicle without any registration number having
Chassis No. MA1TA2SJXG2E43156, Engine No. SJG4E13296
which was seized in Dehri (T) P.S. Case No. 1178 of 2018. The
relief prayed by the petitioner as stipulated in paragraph 1 of the



writ application, reads as under:

“That the petitioner craves indulgence of this Hon’ble Court for issuance of an appropriate Writ in the nature of Mandamus, commanding the respondents to release Block colour Scorpio 4 bearing Chassis No. MA1TA2SJXG2E43156 Engine No. SJG4E13296 seized in Dehri (T) P.S. Case No. 1178 of 2018 Under Section 30(a)/36 of the Bihar Prohibition and Excise Act, 2016.”

Before entering into the merits with regard to the dispute and consequential recommendation for confiscation we tried to verify with regard to the petitioner being the claimant as the owner of the vehicle. The petitioner has stated in paragraph 8 of the writ application that one Saroj Kumar Singh purchased the vehicle in question on 19.09.2016 and said Saroj Kumar Singh sold the vehicle to the petitioner through an agreement. But no registration document either in the name of Saroj Kumar Singh or the petitioner has been brought on record. Paragraph 8 reads as under:-

“That the aforesaid vehicle purchased by Saroj Kumar Singh on 19.9.2016 financed by Manager, Finance Corporation Ltd. And Saroj Kumar sold the aforesaid vehicle through agreement to the petitioner.”

The vehicle in question was seized without any



registration number. In paragraph 13 of the counter affidavit filed on behalf of respondents today, though, affidavit filed on 04.09.2019 it is stipulated that the vehicle has not been found registered on the portal of Transport Department, Govt. of Bihar.

Paragraph 13 reads as under:-

“That as regards to paragraph No. 7 and 8 of the writ petition are concerned, the ownership of the said vehicle was verified from the office of the Transport Department, but there is no entry of this vehicle on the portal of Transport Department.”

Considering the fact that it is admitted position that the petitioner is not registered owner of the vehicle in question, hence, we are not inclined to entertain the present writ application to consider the issue of release of the vehicle in question.

Accordingly, this writ application is dismissed.

(Dinesh Kumar Singh, J)

(Anil Kumar Sinha, J)

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