

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2502 of 2024

-
-
1. Kumar Bimal S/o Hiralal R/o Road 1D West BMP, 16, MauryaVihar, Dinapur cum Khagaul, Patna, Bihar- 801105.
 2. Manorama Kumari W/o Kumar Bimal, R/o Road 1D West BMP, 16, MauryaVihar, Dinapur cum Khagaul, Patna, Bihar- 801105.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Registration, Excise and Prohibition.
2. District Magistrate Gaya, Bihar
3. Superintendent Of Police Gaya, Bihar
4. SHO, Wazirganj Police Station, Gaya, Bihar
5. ASI Amarnath Rai (Investigating Officer) Bihar.
6. SHO, Phulwarishariff, Patna, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ashar Akhtar Mr. Aiman Hassan Mr. Baba Ashfaque
For the Respondent/s	:	Mr.Abbas Haider, Adv (S.C.-6) Mr. Wasi Mohammad AC to S.C-6

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 05-03-2024

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

(a) To immediately stay the auction proceeding against the Santro car bearing registration No. BR01AG3243 chassis no. MALAA51HR7M136970 Engine No. G4HG7M170752.

(b) To immediately release the vehicle being Santro car bearing registration No. BR01AG3243 chassis no. MALAA51HR7M136970 Engine No. G4HG7M170752 seized in connection



with FIR at Wazirganj P.S. Case No. 589/2023 dated 23/09/2023 under Section 420, 414 IPC and Section 30(a) of Bihar Prohibition and Excise Act, 2018.

(c) For any other relief or reliefs for which the petitioner is found entitled in the eyes of law.

2. Petitioner vehicle-Santro car bearing registration No.

BR01AG3243 was alleged to have been theft on 09.09.2023. In this regard petitioner who is the owner of the subject matter of motor vehicle has registered a complaint/FIR on 09.09.2023 whereas the subject matter of motor vehicle was involved for the offences under Excise Act and vehicle was seized on 23.09.2023 in Wazirganj P.S. Case No. 589 of 2023. Learned counsel for the state-respondents have not disputed in respect of genuineness of theft complaint dated 09.09.2023. In this backdrop, the petitioner is not involved for the offences under the Excise Act in Wazirganj P.S. Case No. 589 of 2023 registered on 23.09.2023. Therefore, the concerned authority is hereby directed to release the subject matter of motor vehicle while imposing certain conditions to the extent that Wazirganj P.S. Case No. 589 of 2023 is decided in accordance with law. The petitioner shall not dispose of subject matter of motor vehicle to any third party. If the vehicle is warranted for inspection, if any, in Wazirganj P.S. Case No. 589 of 2023 in such circumstances petitioner shall produce the vehicle before the



competent authority and it is only in accordance with law.
Accordingly, the present petition stands disposed of.

3. If the vehicle is not released immediately, petitioner is
at liberty to file interlocutory application for revival of this order.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-
Shahzad

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.03.2024
Transmission Date	NA

