

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 18660 of 2024

Juhi Kumari Daughter of Krishna Prasad Resident of Village and P.O.-
Gopalpur, P.S.- Basantpur, District- Siwan, at present C/o Rohit Prasad, VTC,
Hahwa, Maharajganj, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Excise,
Government of Bihar, Patna.
2. The District Magistrate, Saran.
3. The Superintendent of Police, Saran.
4. The Officer-In-Charge, Daudpur Police Station, Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Koshalendra Rai, Advocate
For the Respondent/s : Mr. Kunal Tiwary, AC to GA-2

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

3 18-12-2024 In the instant petition, the petitioner has prayed for
following reliefs:

*I. Release the vehicle of the petitioner
bearing Registration No. BR 29 AK 6523 bearing
Chasis no. MBLHAW089KHF41998 and Engine
No. HA10AGKHF55536 which has been seized by
the ASI, Ranjit Kumar, Daudpur Police Station in
connection with Daudpur P.S. case no. 72/2024.*

*II. Grant any other relief deemed fit and
proper.*

2. Subject matter of motorcycle Splendor Plus bearing
registration no. BR-29-AK-6523 was involved in theft case on
07.12.2023. Resultantly, petitioner had registered Maharajganj



P.S Case No. 345 of 2023 on 09.12.2023. The theft vehicle was involved for the offences under Excise Act on 01.04.2024 and the vehicle has been seized. At the time of seizure of the vehicle petitioner was not available, therefore, we have to draw inference that subject matter of vehicle was involved in a theft and theft vehicle has been utilized for the purpose of alleged committing excise offence by some third person. Therefore, *prima facie*, there is no role played by the petitioner insofar as alleged committing of excise offence is concerned. Resultantly, the concerned respondents are hereby directed to release the subject matter of the vehicle in favour of the petitioner forthwith. The petitioner is entitled to litigation cost for unnecessarily seizing the vehicle from 01.04.2024 and till date it has not been released in favour of petitioner, despite the factual aspects narrated (supra). Cost has been quantified at Rs. 10,000/- cost shall be paid to the petitioner by the official respondents within a period of four weeks.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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