

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3375 of 2025

Chintamani Sahu, Son of Singheshwar Sahu, resident of Village Garaul
Punach ward No.5, PS Mahishi District Saharsa.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of Excise and prohibition Bihar Patna.
2. District Magistrate cum Collector Banka.
3. Superintendent of Excise Banka
4. Superintendent of Police at Banka
5. Officer-in-charge Rajoun (Nawada OP) District Banka

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate
For the Respondent/s : Mr. Addl. Advocate General (12)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 10-04-2025

Counter affidavit filed on behalf of the Respondent

No.4 is is taken on record.

2. In the instant Writ petition, the petitioner has
prayed for the following reliefs:

*“(i) That for issuance of appropriate
writ order or direction or writ in the nature of
Mandamus commanding the Respondent to release
the Pickup Van bearing Registration Number
BR11GA-7430 of the petitioner since the same was*



stole by thieves for which the petitioner registered Mahishi P.S. Case No. 342 of 2023 on 25.12.23 but the same vehicle was recovered by the police while transporting liquor in District Banka & the Police registered Rajoun (Nawada OP) P.S. Case No. 103 of 2024 as such direction may kindly be given to respondent to release the vehicle in favor of the petitioner.

*(ii) That for issuance of appropriate writ order or direction or writ in the nature of Mandamus commanding the Respondent to release the Pickup Van bearing Registration Number **BR11GA-7430** of the Petitioner immediately.*

(iii) That for issuance of appropriate writ order or direction or writ in the nature of Mandamus commanding the Respondent that keeping the vehicle under custody of Excise Officers for the purpose of Confiscation shall be highly illegal since the fact in the record shows that the vehicle of the petitioner was stole by the unknown person against whom the petitioner registered FIR.



(iv) That any other relief or relief's to which the petitioner be found entitled in law be granted to them."

3. On 22.03.2025, Co-ordinate Bench has passed the following order:

"The Superintendent of Police, Banka is hereby directed to apprise this Court as to why the petitioner is not entitled for release of the subject matter of vehicle in view of the fact that vehicle was theft and for which petitioner is stated to have registered F.I.R. on 25.12.2023 for the offences under Section 379 IPC. Thereafter, the subject matter of vehicle was involved for the offences under Excise Act, in this regard affidavit be filed before the next date of hearing.

2. Relist this matter on 07.04.2025.

4. Thereafter, on 05.04.2025, the concerned Authority has asked the petitioner to get release the vehicle. Therefore, the petitioner is hereby directed to approach the concerned Authority for release of the vehicle. If petitioner approaches the concerned Authority, the concerned Authority is hereby directed to release the subject matter of vehicle within a period of one week from today. The Respondents should have



released the subject matter of vehicle on their own in the light of the fact that subject matter of vehicle was involved for the offences under Section 379 of I.P.C. for which petitioner has registered F.I.R. read with the fact that vehicle was involved for the offences under Excise Act in the year 2024. The petitioner has been unnecessarily harassed and compelling the petitioner to approach this Court in filing present Writ petition for release of the vehicle. After the Co-ordinate Bench order dated 22.03.2025, the concerned Respondent has realized on 05.04.2025 insofar as release of the subject matter of vehicle. On this count, the petitioner is entitled to litigation cost and it is quantified at Rs. 10,000/- (Rs. Ten Thousand). Cost shall be paid to the petitioner within a period of four weeks from the date of receipt of this order.

5. With the above observation, Writ petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.04.2025
Transmission Date	NA

