

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1758 of 2025

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Dharmendra Kumar Son of Jhabar Turha, Resident of Village- Giridhar
Baraon, P.S. Sonbarsa, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, Buxar.
3. The Superintendent of Police, Buxar.
4. The S.H.O., Nainijor Police Station, District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Satyapal Singh, Advocate
For the Respondent/s : Mr.Standing Counsel (12)

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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

On 19.03.2025, we have passed the following order:-

“The Superintendent of Police, Buxar is requested to file his personal affidavit whether the subject matter of vehicle is involved for the offences under the Excise Act on 17.08.2024. He is also hereby directed to verify whether petitioner has registered F.I.R. for the theft of the vehicle on 11.07.2024. If the theft of the vehicle is involved for the offences under Excise Act by some miscreants, in that event, petitioner is entitled to have the benefit of



release of the subject matter of vehicle. In this regard, necessary affidavit be filed before the next date of hearing.

2. Re-list this matter on 02.04.2025.”

2. Today, learned counsel for the respondents has filed hard copy of the counter affidavit on behalf of respondent no. 3 namely, Superintendent of Police, Buxar. The Superintendent of Police, Buxar, has not disputed that the subject matter vehicle was stolen by some miscreants and the same has been misused by the miscreants insofar as committing excise offence, in this backdrop the owner of the vehicle shall not be penalized. Therefore, the concerned authority is hereby directed to release the subject matter vehicle which has been seized on 17.08.2024 within a period of one week from today.

3. For having compelled the petitioner to invoke remedy before this Court without his any role in the excise offence on the other hand he has registered FIR for theft of the vehicle. Therefore, the petitioner is entitled to litigation cost and it is quantified at Rs. 10,000/-. Cost shall be paid by the respondents to the petitioner within a period of four weeks from today.



4. With the above observation, the writ petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

ranjan/-

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

