

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3398 of 2025

Manoj Kumar S/o- Late Vijay Prasad Singh @ Vijay Yadav, R/o- Village-
Barki Kharwan, P.S- Dulhin Bazar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Home Department, Government of Bihar, Old Secretariat, Patna-800001.
2. The Secretary, Excise Department, Vikash Bhawan, Bailey Road, Patna, Bihar- 800001.
3. The District Magistrate, Bhojpur, Arah, Collectorate Office, Bhojpur Arah.
4. The Officer-in-Charge of Police Station of Ara Nawada, District- Bhojpur Arah.
5. Superintendent of Police, Arah, Bhojpur, S.P. Office, Bhojpur, Arah.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Deovind Kumar Singh, Adv. Mr. Utpal Kant, Adv.
For the Respondent/s	:	Mr. Syed Hussain Majeed, Adv.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

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

3 10-04-2025 In the instant Writ petition, petitioner has

prayed for following reliefs:-

“(i) For issuance of appropriate writ/orders/directions commanding the respondents to release the TVS Apache Motorcycle, bearing its Registration No. - BR-01EV-6362, Chasis No.- MD634AE82L2G218 02, Engine No. - AE8GL2921601 which was seized by Officer-in-charge of Ara Nawada Police Station on 25-11-2023, in connection with Ara Nawada P.S. Case No. 829/2023,



registered under section 30(A) of Bihar Excise Prohibition Amendment Act 2022 and it is being kept in the premises of Ara Nawada Police Station, District – Bhojpur, Ara.”

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

“(i) The petitioner has failed to implead the Superintendent of Police, Ara. Therefore, he is permitted to implead during the course of the day which carrying out necessary correction in the cause title of the petition.

(ii) Respondent No. 5 – Superintendent of Police, Bhojpur, Ara 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 the F.I.R. on 25.09.2022 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.

(iii) Relist this matter on 07.04.2025.”

3. Learned counsel for the respondent,



vehemently, contended that co-ordinate Bench in CWJC No. 11678 of 2022 held that confiscation is required even though one of the vehicles is not involved for the offences. It is crystal clear that one of the vehicles is not involved for the offences under Excise Act, on the other hand, he has registered case for theft of the vehicle prior to registration of F.I.R. for the offences under the Excise Act. This itself shows that petitioner – owner is not involved. Resultantly, he is entitled for release of the vehicle. At the best, if the concerned respondent during the course of the investigation, he/she intends to inspect the vehicle, in such event petitioner has to cooperate. For no reasons, the petitioner – owner shall not be penalized insofar as confiscation of the vehicle. No doubt, confiscation of the vehicle is permissible if it is involved for the Excise offences at the same time when it is on record that one of the vehicles is not involved. In such an event, he is entitled to release of the vehicle. To that effect, the cited decision on behalf of the respondent is



distinguishable on facts.

4. Accordingly, the concerned authority is hereby directed to release the subject matter of vehicle in favour of the petitioner – owner within a period of one week from today.

5. Petition is allowed with cost of rupees 10,000/- (ten thousand rupees) for the reasons that the petitioner has been unnecessarily harassed during the intervening period from the date of seizure of the vehicle till its release and compelling him to approach this Court.

6. The petitioner shall cooperate in the event of any inspection of the subject vehicle by the official respondent.

7. With the above observation, the present CWJC No. 3398 of 2025 stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Nirajkrs/-

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