

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3435 of 2025

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Kush Kumar Singh Son of Vinay Singh, Resident of Village- Babura, P.S.-
Barhara, District- Bhojpur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The District Magistrate, Buxar, District- Buxar (Bihar).
4. The Superintendent of Excise, Buxar, District- Buxar (Bihar).
5. The Superintendent of Police, Buxar, District- Buxar (Bihar).
6. The Station House Officer, Buxar (Town) Police Station, Buxar, District- Buxar (Bihar).
7. The Investigating Officer of Buxar (Town), Police Station Case No. 484 of 2024, District- Buxar (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Abhay Kumar Pandey
For the Respondent/s : Mr.Standing Counsel (16)

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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 direction to the respondent
authorities to release the Mahindra Scorpio
Vehicle having Registration No. BR-03PA-
9716 having Engine No. XML4H16362, Chasis
No. MA1TA2XM2L2H31753 of the petitioner
seized in connecton with Buxar (Town) Police



Station Case No. 484 of 2024 dated 02.09.2024 without any fault and nothing has been recovered from the possession of the vehicle in question which constituted the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

(ii) for direction to pay the damage in accordance with law and have appropriate proceeding be initiated against the Respondent NO. 3 to 5 officials/officers.

(iii) for any other relief or reliefs for which the petitioner is found entitled in the eye of law.”

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

“(i) 5th Respondent- Superintendent of Police, Buxar is hereby directed to file his personal affidavit as to why the petitioner is not entitled for release of the subject matter vehicle in view of the fact that no liquor has been seized along with the vehicle as is evident fro the search and seizure memo dated 02.09.2024. Such affidavit be filed before the next date of hearing.

(ii) Relist this matter on 04.04.2025.”

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 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 vehicle 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. 3435 of 2025 stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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