

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5654 of 2025

=====

Jalim Ray son of Rajdev Ray, Resident of Village-Arnia, Police Station-
Jandaha, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise, Prohibition and
Registration Department, Govt. of Bihar, Patna.
2. The Collector cum District Magistrate, Vaishali.
3. The Senior Superintendent of Police, Vaishali.
4. The Officer-in-Charge Sonpur Police Station, District Saran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Gopal Govind Mishra, Advocate
		Mr.Birendra Kumar, Advocate
For the Respondent/s	:	Mr.Government Pleader (04)

=====

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 14-05-2025 In the instant writ petition, the petitioner has prayed
for the following relief:-

“1. That, this is an application for issuance
of an appropriate writ/order/ direction to release the
petitioner's Hero Splender Plus 100cc Vehicle bearing
Registration No. BR-31AF-8526 Chassis No.
MBLHAR080JHK27072 Engine No.
HA10AGJHK55646 which was seized on 03.07.2024
by the police officer of Doriganj P.S. Case No. 144 of
2024 dated 03.07.2024 of the offence alleged under
section 30(a) Bihar Excise Act and further to order for
giving possession of alleged Hero Splender Plus
Motorcycle to the accused person.”



2. Subject matter vehicle bearing registration no. BR-31AF-8526 was involved for the offence under theft and to that effect Hari Har Nath O.P. Sonapur (Saran) P.S. Case No. 151 of 2024 registered on 24.02.2024. Theft vehicle was misused by the miscreants insofar as committing offence punishable under Excise Act on 03.07.2024. In the backdrop, confiscating authority proceeded to pass confiscation order on 10.02.2025. No doubt, the petitioner has remedy of appeal before appellate authority under Section 92 of the Bihar Prohibition and Excise Act, 2016 and simultaneously entitled to invoke remedy under Rule-12A of the Bihar Prohibition and Excise Rules, 2021. The same would not be a hurdle for the purpose of releasing the subject matter vehicle for the reason that it was beyond the control of the petitioner that he is involved for the offence punishable under Excise Act, for the reason that he had registered theft of the vehicle and a case was registered being Hari Har Nath O.P. Sonapur (Saran) P.S. Case No. 151 of 2024 on 24.02.2024, thereafter the stolen vehicle was found involved for the offence punishable under Excise Act on 03.07.2024.

3. In the light of these facts and circumstances, the concerned authority is hereby directed to release the subject



matter vehicle in favour of the petitioner after an undertaking by the petitioner to the effect that whenever the subject matter vehicle of the petitioner is warranted for inspection in respect of Doriganj P.S. Case No. 144 of 2024 registered on 03.07.2024, the petitioner shall produce the vehicle before the concerned authority for inspection/examination of vehicle records.

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

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

ranjan/-

U			
---	--	--	--

