

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6267 of 2025

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Saroj Kumar Prasad S/o Mangal Prasad, Resident of Vill-Laguni, P.O.-
Dhenuki, P.S.-Panapur, Dist.-Saran at Chhapra.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department,
Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The S.H.O. Bhagawanpur Hat, Dist.-Siwan.
5. The District Magistrate, Gopalganj.
6. The Superintendent of Police, Gopalganj.
7. The S.H.O. Bishimbharpur, Dist.-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Nouman Ahmad, Advocate Mr.Rananjay Kumar, Advocate
For the Respondent/s	:	Mr.Standing Counsel (06)

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

“1. That the present Civil Writ Petition is being filed for release of MAM BOLERO DI (JEEP), bearing Registration No. BR.04Q/3242, Chassis No. MA1XA2GHKF5C39448, Engine No. GHF4B67136 belonging to the petitioner (theft of which was committed on 04.06.2021 for which Bhagawanpur Hat P.S. Case No. 108/2021 has been instituted on 05.06.2021 u/s 379 of I.P.C.), which has been seized by Bishimbharpur P.S. Case No. 93/2021 on 27.07.2021



registered under section 30(a) Bihar Prohibition and Excise Act 2016, produced before the learned Exclusive Special Excise, Court No.: 1, Siwan which is lying in the open sky without any care.”

2. Subject matter vehicle bearing no. BR.04Q3242 was involved under section 379 for theft of vehicle, for which petitioner has registered Bhagwanpur Hat P.S. Case No. 108 of 2021 on 05.06.2021. The same vehicle was involved for the offences punishable under Excise Act by changing the number plate in Bishambharpur P.S. Case No. 93 of 2021 registered on 27.07.2021 resulted in confiscation on 06.10.2021.

3. Having regard to the facts of the case that the petitioner is not involved for the offences under Excise Act is entitled to release of the subject matter vehicle and the same shall be released in favour of the petitioner after taking an undertaking to the effect that whenever the subject matter vehicle of the petitioner is warranted for inspection in respect of Bishambharpur P.S. Case No. 93 of 2021 registered on 27.07.2021, the petitioner shall produce the vehicle before the concerned authority for inspection/examination of vehicle records.

4. Having regard to these facts and circumstances, compelling the petitioner to invoke remedy under Article 226 of



the Constitution of India for the purpose of release of the subject matter vehicle and harassing the petitioner, the petitioner has made out a case that cost is warranted in the present case. Therefore, the respondents are hereby directed to pay cost of Rs. 10,000/- to the petitioner. The subject matter vehicle bearing no. BR.04Q3242 shall be released in favour of the petitioner after due identification that petitioner is the owner of the vehicle. Such exercise shall be undertaken within one week from the date of receipt of this order.

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

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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