

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5945 of 2025

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Brajesh Kumar Son of Sirendra Kumar Ray, Resident of Village- Kanchanpur,
Police Station- Bidupur, 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, Gaya.
3. The Senior Superintendent of Police, Gaya.
4. The Officer-in-Charge Wazirganj, Police Station District Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Gopal Govind Mishra, Advocate Mr.Birendra Kumar, Advocate
For the Respondent/s	:	Mr. Ramadhar Singh GP-25

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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 petition, petitioner has prayed for the

following relief:-

“That, this is an application for issuance of an appropriate writ/ writs/order/ orders, direction to release the petitioner's Glamour Motorcycle Vehicle bearing Registration No. BR- 31AA-1316 Chassis No. MBLJAR025HGF19719 Engine No. JA06ERHGF27075 which was seized on 06.08.2024 by the police officer of Wazirganj P.S. Case No.549 of 2024 dated 06.08.2024 of the offence alleged under section 30(a) Bihar Excise Act and further to order for giving possession of alleged Glamour Motorcycle to the accused person.”



2. Subject matter vehicle bearing registration no. BR-31AA-1316 was involved for the offence of theft of the vehicle and to that effect Alamganj (Patna) P.S. Case No. 113 of 2024 was registered on 12.02.2024. Theft vehicle was misused by the miscreants insofar as committing offence punishable under Excise Act on 06.08.2024. In this backdrop, confiscating authority proceeded to pass confiscation order on 15.02.2025. No doubt, the petitioner has remedy of appeal before the 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 Alamganj (Patna) P.S. Case No. 113 of 2024 on 12.02.2024, thereafter the stolen vehicle was found involved for the offences under Excise Act on 06.08.2024.

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 Wazirganj P.S. Case No. 549 of 2024 registered on 06.08.2024, 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)

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