

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6908 of 2025

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Shashi Kumar S/o-Ganesh Prasad Resident at House No.798/B 7/C, Birsha Vihar, Panchshil Nagar, Street No.3, Near Bank of India, Ranchi P.S.-Pandara District-Ranchi (Jharkhand) and at present Magadh Medical in Road No.15, Gaya, P.S.-Magadh Medical, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Excise Department, Bihar, Patna.
2. The District Magistrate, District-Gaya.
3. The Senior Superintendent of Police, Gaya, Bihar.
4. The Officer-In-Charge, Fatehpur, Police Station, District-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Advocate
For the Respondent/s : Mr.Santosh Chandra Bhaskar, AC to GP-11

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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(s):

“1-That this is an application for issuance of appropriate writ (s), direction(s) to the respondents for release of the Vehicle of the petitioner in his favour which is one Hero Splendor Plus Motorcycle bearing Regd. No. -JH 10BC-4557, Chesis No.- MBLHA10CGGHH 39598, Engine no.-3 HA10ERGHH 51074 and has been seized in Fatehpur P.S. Case No. 795/2024 dated 15.12.2024 instituted for the offences punishable U/SS- 30(a) of Bihar Prohibition and Excise Amendment Act, 2022 on 15.12.2024 after changing the original Regd. No.- BR27Q-2144 in place of actual Regd. No. JH 10 BC-4557 and for which neither any Confiscation Proceeding has been initiated nor any notice in this regard has been issued or Served to the petitioner till



date.

And/or for any other appropriate relief(s)
to the Petitioner for which he may be found entitled to
in the eye of law.”

2. Subject matter vehicle bearing no. JH10BC4557
was involved under section 379 for theft of vehicle, for which
petitioner has registered Magadh Medical P.S. Case No. 300 of
2024 on 15.11.2024. The same vehicle was involved for the
offences punishable under Excise Act by changing the number
plate in Fatehpur P.S. Case No. 795 of 2024 registered on
15.12.2024.

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
Fatehpur P.S. Case No. 795 of 2024 registered on 15.12.2024,
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. 5,000/- to the petitioner. The subject matter vehicle bearing no. JH10BC4557 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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