

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6773 of 2025

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Amit Kumar Singh Son of Sri Dhurandhar Prasad Singh, resident of Mohalla
- RahulNagar Brahmpura, P.S. - Brahmpura, P.O. - MIT, District -
Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Prohibition and Registration, Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, West Champaran at Bettiah.
4. The Superintendent of Police, West Champaran at Bettiah.
5. The Superintendent of Excise West Champaran at Bettiah.
6. The District Transport Officer, West Champaran at Bettiah.
7. The S.H.O. Nadi Police Station, Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raju 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 JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 07-08-2025

In the instant petition, petitioner has prayed for the
following relief(s):-



“(i) To issue an appropriate order/s, direction/s including a writ preferably in the nature of mandamus commanding and directing upon the respondent Superintendent of Excise to handover the possession of Bolero Pickup vehicle No. UP60T-3944 which has been received by way of Public Auction and deposit of auction money amounting to Rs.78,000/- failing which bid amount be refunded.

(ii) To direct the respondent No.6 with interest to make the payment of compensation to the petitioner amounting to Rs.25,000/- causing mental and physical agony meted out to the petitioner whose vehicle has not been delivered after rectification in release order.

(iii) To any other relief/s to which the petitioner may be found entitled in the facts and circumstances of the case.”

2. On 31.07.2025, we have passed the following order:-

“Respondent No. 5-Superintendent of Excise, West Champaran at Bettiah, is hereby directed to file his personal affidavit as to why the auctioned vehicle in favour of the petitioner has not been released pursuant to the auction dated petitioner has not been released since 16.11.2021.

2. Re-list this matter on 07.08.2025.”

3. Personal affidavit of the Respondent No. 5-Superintendent of Excise, West Champaran at Bettiah has been filed and it has not been placed in the file, we have perused the file of the State counsel. There is no communication to the



petitioner from 16.11.2021 till 17.05.2025 in respect of furnishing documents and getting the vehicle released in his favour with reference to the fact that he being the successful bidder.

4. On the other hand learned counsel for the State submitted that there were certain errors committed in the confiscation order, if it is so, it should have been rectified within a reasonable period of time of one month or two months and thereafter it should have been communicated to the petitioner asking him to furnish such of those required documents within a reasonable period of time of three months. On the other hand, they slept over the matter till 17.05.2025, therefore, there is total inaction on the part of the respondents in not honouring the auction proceedings in respect of subject matter vehicle.

5. Be that as it may, now the subject matter vehicle which was lying in the custody of respondents from the year 2021 to this day and it has depreciation value on yearly basis, therefore, it is not appropriate to direct the official respondents to release the subject matter vehicle in favour of the petitioner.

6. On the other hand, petitioner is entitled to have the benefit of refund of deposited amount of Rs. 78,000/- along with interest @ 8 per cent per annum from 01.12.2021 till payment is



made and the same shall be calculated and disbursed in favour of petitioner within a period of three months from the date of receipt/production of a copy of this order.

7. The present writ petition is allowed with cost of Rs. 10,000/-. Cost shall be paid to the petitioner within a period of eight weeks.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.08.2025
Transmission Date	NA

