

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6850 of 2025

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Anil Kumar Mahto S/O Khedu Ram Mahto R/O Vill.- Barwadih, P.S.- Sonahatu, Dist.- Ranchi, (Jharkhand) at present R/O Vill.- Puarana Chatara, P.S.- Tatisilway, Dist.- Ranchi (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Excise and Prohibition Govt. of Bihar, Patna.
2. The Director General of Police, Govt. of Bihar, Patna.
3. The District Magistrate-Cum-Collector, Gaya.
4. The Superintendent of Police, Gaya.
5. The Superintendent of Excise, Gaya.
6. The S.H.O. Vishnupad, Police Station, Gaya, Dist.- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Dr. Kamal Deo Sharma, Advocate
For the Respondent/s	:	Mr. Manoj Kumar Ambastha, SC 26
		Mr. D. Vinod, AC to SC 26
		Mr. Tripurari Nath Ambastha, AC to SC 26

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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 15-05-2025 In the instant writ petition, petitioner has prayed for
the following reliefs :

*“(i) For release of the vehicle in
favour of the petitioner in which the petitioner is
the owner of the said seized Maruti Suzuki Eeco
car bearing Registration No. JH01ES-6115. The
above named four wheeler car has been seized
in connection with Vishnupad P.S. Case No.
192/2023 with furzy Reg. No. as BR31N-8385
due to violation of the Bihar Excise and Prohibi-*



tion (Amendment) Act 2018.

(ii) For the issuance of other appropriate writ/writs, direction/directions order/orders as may be deem fit and proper.”

2. On 08.05.2025, we have passed the following order :

“In the instant petition, petitioner has sought for release of the subject matter of vehicle, which is stated to have been involved for the offences under the Bihar Prohibition and Excise Act on 04.07.2023. Petitioner had registered F.I.R. on 17.06.2023 insofar as theft of the vehicle under Section 379 of the I.P.C. Therefore, prima facie the petitioner is not involved for the offences under Excise Act. In this regard, the concerned Authorities are hereby directed to take note of the documents of the vehicle from the petitioner and disburse the same after due verification of the seized vehicle tallies with the petitioner’s document or not? Such exercise shall be undertaken by the Motor Vehicle Inspector or competent authority under the Motor Vehicles Act. The above exercise shall be completed within a period of one week from today for the reasons that the vehicle has been seized on 04.07.2023 and we are in the month of May, 2025. There is a inaction on the part of the officials insofar as identification of the vehicle through the Motor Vehicle Department.

2. At this stage, learned counsel for the Respondent-State Mr. Divit Vinod submitted that he is not aware of the status of the vehicle after its confiscation. Therefore, he is hereby



directed to secure instruction by next week.

3. Re-list this matter on 15.05.2025.”

3. Today, learned counsel for the respondents filed counter affidavit, the same is taken on record.

4. It is not disputed that petitioner's vehicle was involved in a theft case for the offence under Section 379 of the I.P.C. on 17.06.2023. Thereafter, the vehicle was involved for the offence under the Bihar Prohibition and Excise Act. The subject matter of the vehicle has been abused by some miscreants insofar as committing Excise offence. From 04.07.2023 to this day, the concerned officer has not taken necessary steps to identify the owner of the vehicle so also to release the subject matter of the vehicle to the extent that petitioner was not involved for the offence under the Excise Act, in view of the fact that he has registered the FIR for the offences under Section 379 of the I.P.C. on 17.06.2023, therefore, the concerned authority is hereby directed to release the subject matter of vehicle in favour of the petitioner within a period of one week from the date of receipt of this order.

5. Having regard to the fact that petitioner has been unnecessarily harassed and compelled him to invoke remedy before this Court in filing writ petition and he has undergone



mental agony for more than one and half years, he is entitled to litigation cost and it is quantified @ Rs. 10,000/- (Rupees Ten Thousands). Cost shall be paid within a period of eight weeks from the date of receipt of the copy of this order.

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

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

GAURAV S./-

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