

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8778 of 2025

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Satendra Das, S/o Lallan Ram, R/o Village Dandwas, P.S. Mohania, District Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner Excise Department, State of Bihar Patna.
2. The Director General of Police, Bihar, Patna.
3. The Collector cum District Magistrate, Aurangabad.
4. The Superintendent of Police, Aurangabad
5. The Senior Deputy Collector cum Presiding Officer of Excise Court No. 2, Aurangabad.
6. Superintendent of Excise Prohibition, Aurangabad.
7. Sub-Divisional Magistrate, Aurangabad.
8. Inspector of Excise Police Station, Aurangabad.
9. Station Head Officer, Mohania, Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Respondent/s : Mr. Government Pleader 03

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

6 20-08-2025 In the instant petition, petitioner has prayed for the following relief:-

“ That the present writ application is being filed with prayer for issuance of writ in nature of mandamus or any appropriate writes, order and direction to direct the respondent authorities to released the Mahendra Scorpio S6, registration No. BR45P-3672, chassis No.



MA1TA2SJXH2J38094, Engine No. SJH4J16811 belong to the petitioner which has been seized in connection Aurangabad Excise P.S. Case No. 793 of 2023 which was lodged on 13.10.2023 u/s 30(a), 32(1), 32(3), 41(1) and 41(2) of Bihar Prohibition of Excise Amendment Act. Since on 23.9.2023 aforesaid vehicle of the petitioner was found missing from parking areas and in this regard on 06.10.2023 he has lodged Mohania P.S. Case No. 710 of 2023 u/s 379 of I.P.C. against unknown thief.”

2. On 30th July, 2025 we have passed the following order:-

“ List this matter on 06.08.2025. In the meanwhile, Respondents are hereby directed to release the subject matter of vehicle bearing Reg. No. BR45P-3672, subject to outcome of the present Writ petition, in view of the fact that petitioner's vehicle was involved in the theft offence under Section 379 of I.P.C. corresponding to Section 303(2) of Bharatiya Nyaya Sanhita, 2023 for the theft of the subject matter of vehicle and later on it was involved for the offence under the Bihar Prohibition & Excise Act.”

3. Thereafter, it was not complied as on 06.08.2025. Therefore, we are compelled to pass the following order on 06.08.2025:-



“ The matter was taken up in the morning session, the State counsel- Mr. M.K. Upadhyay did not have the information regarding the release of the subject matter of vehicle and he sought time and it was refused by us. Consequently, matter is taken up at 2:30 P.M., again it was passed over for want of information.

2. Now at 3:30 P.M., State counsel- Mr. M.K. Upadhyay on instruction submitted that petitioner's vehicle is stated to have been released in the afternoon.

3. Relist this matter on 20.08.2025.”

4. Learned counsel for the respective parties on instructions submitted that on 06.08.2025, subject matter of vehicle has been released in favour of the petitioner. The respondents have abused their office in seizing the vehicle for the offences under the Excise Act, whereas the petitioner had registered theft of the vehicle prior to registering the offences under the Excise Act, in this backdrop, the petitioner approached the concerned authorities, they failed to consider the grievance of the petitioner. In other words, petitioner has been harassed unnecessarily in not releasing the vehicle in his favour with reference to the admitted fact that he is not involved for the offences under the Excise Act. Therefore, the present writ petition stands allowed with cost of Rs. 5,000/- (Rupees Five



Thousand).

5. Cost shall be paid to the petitioner by the concerned official/Respondent within a period of eight weeks.

(P. B. Bajanthri, J)

(Shailendra Singh, J)

Maynaz/Rajiv-

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