

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13511 of 2025

Vikash Kumar, Son of Kamesh Ram, Resident of village- Tukbera, P.S.- Naba Bazar, District- Palamu (Jharkhand), PIN- 822124, At present R/o- House of Indu Devi, Mohalla- Rajesh Nagar, Ward no.- 31, P.S.- Town (Aurangabad), District- Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar through the Addl. Chief Secretary, Bihar Prohibition and Excise Act, Government of Bihar, Patna.
2. The Commissioner, Bihar Prohibition and Excise Act, Government of Bihar, Patna.
3. The District Magistrate, Gaya.
4. The Addl. Collector (Excise), Gaya.
5. The Superintendent of Police, Gaya.
6. The Superintendent of Police, Aurangabad.
7. The Station House Officer, Roshanganj, Gaya.
8. The Station House Officer, Town Police Station, Aurangabad.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Mayank Raj, Advocate
For the Respondents	:	Mr. Prabhat Ranjan, AC to GP-6

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 03-12-2025 The delay of one day in refiling the writ application is
condoned.

2. Heard learned counsel for the petitioner and learned
AC to GP-6 for the State respondents.

3. The petitioner in the present case is seeking
quashing of the order contained in Memo No. 395 dated
11.02.2025 passed in Excise Confiscation Case No. 703 of 2024



arising out of Roshangaj P.S. Case No. 92 of 2024 issued under signature of the Respondent No. 4 whereby and whereunder the Respondent authority has refused to release the vehicle, namely, TVS Apache RTR 160 bearing Registration No. JH03AH-3691, Chassis No. MD634AE8XAN2G13482, Engine No. AE8GN2712855 which has been seized in connection with the said case.

4. It is submitted that the vehicle of the petitioner was stolen away on 07.02.2024 and in this regard Aurangabad Town P.S. Case No. 103 of 2024 was registered under Section 379 of the Indian Penal Code. It is submitted that from the order passed by the Additional Collector (Excise), Gayaji, it would appear that instead of releasing the vehicle in favour of the petitioner, he advised the petitioner to approach the learned court where the case relating to theft of vehicle is pending.

5. Learned AC to GP-6 for the State submits that, in fact, the impugned order (Annexure 'P/1') has been passed by the Assistant Commissioner, Prohibition and Excise, Gayaji. It would appear from Annexure 'P/1' that an order for confiscation of the vehicle has already been passed. In the impugned order, it is further stated that if the case of theft lodged by the petitioner is found to be true then the competent court may pass an order



for release of the vehicle, therefore, it will depend on the outcome of the theft case. In Annexure 'P/1', it is also mentioned that if the party is dissatisfied with this order, he can file an appeal within 90 days before the Appellate Authority i.e. the Commissioner, Excise, Bihar, Patna.

6. At this stage, learned counsel for the petitioner seeks permission to withdraw this writ application with liberty to file an appeal before the Appellate Authority i.e. Commissioner, Excise, Bihar, Patna.

7. We permit learned counsel for the petitioner to withdraw this writ application.

8. Liberty is reserved to the petitioner to file an appeal before the Appellate Authority within a period of 30 days from today. If such an appeal is preferred within the given period, the Appellate Authority shall consider the same keeping in view the pendency of the writ application before this Court and an appropriate order shall be passed thereon within a reasonable period. The appellate authority shall also consider the judicial pronouncements of this Court in the case of **Sunaina @ Suneina versus State of Bihar and Ors.** reported in **2024 (3) BLJ 163.**

9. For the present, the vehicle in question shall not be



auction sold.

10. This writ application stands disposed of
accordingly.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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