

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16137 of 2025

Ashok Kumar Sharma, Son of Mohan Sharma, Resident of Village- Sadhpur,
P.S.- Garkha, District- Saran.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Principal Secretary, Excise Department, Government of Bihar, Patna.
4. The Commissioner-cum-Secretary, Excise Department, Government of Bihar.
5. The Senior Superintendent of Police, Patna.
6. The Office-in-Charge, Garkha, Saran.
7. The Office-in-Charge, Bikram P.S., District- Patna.
8. Motor Vehicle Inspector, Garkha, Saran.
9. Motor Vehicle Inspector, Patna, Bihar.
10. Motor Vehicle Inspector, Saran at Champra, Bihar.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Shambhu Sharan Singh, Advocate
For the State	:	Mr. Jitendra Kumar, AC to GP-16

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

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 28-11-2025 Heard learned counsel for the petitioner and learned
AC to GP-16 for the State.

2. The petitioner in this writ application is seeking for
the following reliefs:-

“(i) For direction/order to the
respondent authority concerned to
release the vehicle of the petitioner
bearing its Registration No. Pick-up
van no. BR04GA-1217 Chassis No.



MAIZN2GHKH1A19824, Engine No. GHH1A13209, which is kept in open space of the Bikram Police Station Campus Premises since the date of seizure 18.06.2024 in respect of Bikram P.S. Case No. 245/2024 dated 18.06.2024 registered U/s 30(a) of the Bihar Prohibition and Excise Act, 2018 and the prayer of release the said vehicle was not considered by the Court of Special Judge, Excise Act, Danapur, Patna in Special Case No. 2159/2024 arising out of Bikram P.S. Case No. 245/2024. It is worthless to mention that the vehicle which was seized in Bikram P.S. Case No. 245/2024 is the vehicle of petitioner as it was detected by the SHO, Bikram through HHD device because the theft vehicle of the petitioner was running on road by the miscreants as Bolero Pick-up Punch registration BR-06GC-8342, Chassis No. MAIZN2GHKH1A19824 and reported to the petitioner by the SHO, Bikram after detection as mentioned in the paragraph no. 31 of the case diary of this case.

(ii) For direction/order to the respondent the S.H.O., Gorkha Police Station where the petitioner had already lodged a case bearing Gorkha P.S. Case No. 625/2023 dated 17.10.2023/G.R. No. 9603/23 seen by the Court of A.C.J.M.-IV, Saran at



Chhapra on 30.10.2023 and a charge sheet/final report was submitted vide charge-sheet no. 106.2024 dated 29.02.2024.

(iii) For order relief/reliefs as Your Lordships may deem fit and proper in the interest of justice for the defamation and harassment of the petitioner in the present case without any fault of the petitioner.

(iv) For the other relief/reliefs as Your Lordships may deem fit and proper in the interest of justice in the matter.”

3. Learned counsel for the petitioner submits that the vehicle of the petitioner had been stolen away for which he had lodged Gorkha P.S. Case No. 625 of 2023 dated 17.10.2023 registered under Section 379 of the Indian Penal Code. Upon investigation of the said case, police found the case true but there was no clue so a final form was submitted vide Annexure ‘P/2 Series’ to the writ application.

4. Learned counsel submits that later on, the vehicle in question was seized in connection with a case under Excise Act in Bikram P.S. Case No. 245 of 2024 instituted on 18.06.2024. It was found that the said vehicle was being run by miscreants by punching a new registration number and chassis number.



5. Learned counsel submits that on legal advice, the petitioner approached the learned Jurisdictional Magistrate for release of the vehicle, however, the vehicle has yet not been released. The learned court below has directed to call for a report from the concerned police station and to place the matter after receipt of the report.

6. Learned counsel submits that at this stage, the petitioner has been advised to file this writ application after noticing that the case has been registered under the Bihar Prohibition and Excise Act whereunder the power to release vehicle has been conferred upon the District Magistrate under Bihar Prohibition and Excise Rules, 2021 (as amended up to date) (hereinafter referred to as the 'Rules of 2021 (as amended)').

7. Learned AC to GP-16 for the State submits that in such circumstance, the petitioner may approach the District Magistrate or the competent authority who may have been empowered by the District Magistrate, Patna for release of the vehicle.

8. Having regard to the submissions noted hereinabove and keeping in view the law on the subject, particularly, the provision of Rule 12A of the Rules of 2021 (as



amended), we grant liberty to the petitioner to file an appropriate application before the District Magistrate, Patna/competent authority, as the case may be, under Rule 12A of the Rules of 2021 for release of the vehicle. Recently, we have passed several orders in identical kind of cases where a stolen vehicle has been found in use for transportation of liquors. In the cases where the involvement of the owner of the vehicle has not been found, the vehicles have been ordered to be released. We reproduce the operative part of the judgment dated 18.11.2025 passed in the case of **Ali Ashraf Siddique Vs. The State of Bihar and Others (CWJC No. 16421 of 2025)** for a ready reference:-

“7. Having regard to the aforementioned submissions and the materials available on the record, we are of the considered opinion that if the vehicle in question was stolen away on 06.05.2024 and in this regard, one FIR was lodged by the petitioner as also that the name of the petitioner has not been found involved in the said theft case, the Confiscating Authority and the Appellate Authority both have erred in appreciating the case of the petitioner. The case is squarely covered by the earlier Hon’ble Division Bench judgment of this Court in the case of Sunaina



(Supra).

8. In addition, we have been informed by learned counsel for the petitioner that the petitioner has no criminal antecedent of similar nature and the vehicle in question has never been seized earlier in connection with transportation of illicit liquor.

9. In the given circumstances, we set aside the impugned orders and direct release of the vehicle of the petitioner within a period of three days from the date of receipt/communication of a copy of this order.”

9. We direct the District Magistrate, Patna/competent authority, as the case may be, to pass an appropriate order on the application of the petitioner for release of vehicle within a period of four weeks from the date of filing of the application.

10. This writ application stands allowed to the extent indicated hereinabove.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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