

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16480 of 2025

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Bablu Kumar, S/o Ram Nath Ray, Resident of Village- Mahmadpur, PS-
Pojha Rasulpur, District- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Divisional Commissioner, Excise Department, Patna Division, Patna.
3. The District Collector, Gaya.
4. The Superintendent of Police, Gaya.
5. The Station House Officer, Gurpa Police Station, Gaya.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Hemant Kumar, Advocate
For the State : Mr. Government Pleader (2)

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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
GP-2 for the State.

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

“(i) For issuance of appropriate
order/s direction/s to the Respondent
concern to release the vehicle of the
petitioner bearing Reg. no. BR-31A-
V4471 Chassis No.
MBLHAW128NHL23627 and
Engine No. HA11EDNHL12609,
(But in Gurpa P.S. Case No. 89/25
wrongly given chassis no. as
MBLHAW225PHB19372 and



Engine No. HA11E7PHB55481)
which was seized in connection with
Gurpa P.S. Case No. 89/2025 which
kept in open place and going
damage day to day.

(ii) For issuance of any appropriate
relief/s direction/s as Your
Lordships may deem fit and proper
to the facts and circumstances of the
case as well as for the petitioner
may be found entitled thereto.

(iii) For that till date confiscation
case has been not initiated in the
present case.

(iv) During the pendency of this writ
application, confiscation proceeding
if any may kindly be stay.”

3. It is the case of the petitioner that the vehicle in
question was stolen away for which he had lodged a case being
Hajipur Sadar P.S. Case No. 326 of 2025 dated 19.04.2025
registered under Section 303(2) of the Bhartiya Nyaya Sanhita.

4. It is submitted that later on, the said vehicle was
seized in connection with Gurpa P.S. Case No. 89 of 2025
registered on 10.06.2025 and 150 litres of country made liquors
were recovered from the seized vehicle. The petitioner claims
that he is the owner of the vehicle and in this connection, he has
placed on record some documents showing his ownership.



5. Learned counsel submits that the petitioner was not involved in the commission of offence under the Bihar Prohibition and Excise Act. In fact, he is victim of theft. In such circumstance, he would be entitled for the release of the vehicle without paying any penalty.

6. Learned GP-2 for the State has filed a counter affidavit on behalf of Respondent Nos. 4 and 5. In the counter affidavit, it is stated that on 10.06.2025, several motorcycles were seized during search operation and one motorcycle bearing a fake registration number BR31AV-4471 (actual registration number BR-27-16228) was also seized. During investigation, the ownership of the said motorcycle was ascertained and it was found that Roshan Raj is the owner of the said vehicle. On this ground, learned GP-2 submits that the ownership of the vehicle has not been established by the petitioner.

7. Learned counsel for the petitioner has, however, brought to the notice of this Court the written information submitted by the Sub-Inspector of Police Santosh Kumar Singh which has given rise to Gurpa P.S. Case No. 89 of 2025. In his self-statement, the police officer has disclosed that altogether nine motorcycles were found involved in transportation of liquor and those were seized. One of them is the motorcycle



bearing Registration No. BR31AV-4417. It has been *prima-facie* shown to us that while recording the registration number of the different vehicles together with the engine number and chassis number, some mistakes seem to have occurred in writing the correct registration number with chassis number and engine number, therefore, it is required to be verified properly.

8. Learned GP-2 for the State submits that the petitioner has a remedy for release of the vehicle in question. He may file an appropriate application before the District Magistrate, Gayaji (Respondent No. 3) in terms of the Bihar Prohibition and Excise Rules, 2021 (as amended up to date).

9. Having regard to the submissions noted hereinabove, we grant liberty to the petitioner to file an appropriate application before the Respondent No. 3 for release of the vehicle in question. Respondent No. 3 shall consider the application keeping in view the facts and circumstances which will be brought to his notice with the documents of the ownership of the vehicle of the petitioner.

10. Any dispute with regard to mismatch of the registration number, chassis number and engine number may be got verified.

11. An appropriate order in terms of the rules shall be



passed within a period of four weeks from the date of filing of the application by the petitioner.

12. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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