

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17963 of 2025

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Shubham Kumar Singh Son of Upendra Kumar Singh, resident of Villlage-
Loharadih, P.O-Biseni Kala, P.S-Rajpur, District-Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Prohibition, Excise and Registration, Government of Bihar, Patna.
2. The Principal Secretary Department of Prohibition, Excise and Registration, Government of Bihar, Patna.
3. The District Magistrate, Rohtas, Rohtas.
4. The District Magistrate, Gopalganj, Gopalganj.
5. The Superintendent of Police, Rohtas.
6. The S.H.O. Akodhigola Police Station, District-Rohtas.
7. The S.H.O., Mirganj Police Station, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ravi Ranjan Kr. Singh, Advocate Mr. Tanay Bhaskar, Advocate Mr. Bibhakar Tiwari, Advocate Mr. Sunil Kumar Singh, Advocate
For the State	:	Mr. Syed Hussain Majeed, AC to SC-6

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date : 19-11-2025

Heard learned counsel for the petitioner and learned
AC to SC-6 for the State.

2. The petitioner in this case is seeking writ in the nature of *mandamus* directing the respondents to release the vehicle (Scorpio, Mahindra and Mahindra make) bearing registration no. BR26AB-0021, Engine No. YSS4E40971,



Chassis No. MA1TA2YS2S2E32248, which has been seized in connection with Mirganj P.S. Case No. 466 of 2025 registered on 11.09.2025 for offence alleged under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. It is the case of the petitioner that he had purchased the vehicle on 30.06.2025 which was stolen away by unknown persons in the night of 01.09.2025/02.09.2025. In this connection he had lodged Akodhigola P.S. Case No. 355 of 2025.

4. Learned counsel for the petitioner submits that the vehicle in question was seized by Mirganj police in the district of Gopalganj on 11.09.2025. At the time of seizure the vehicle was loaded with about 720 liters of liquors. During investigation it was found that the registration plate of the vehicle was not there and the engine number as well as the chassis number were tampered. In this connection attention of this Court has been drawn towards the report of the Sub-Inspector submitted to the Sub-Divisional Judicial Magistrate, (in short 'S.D.J.M') Dehri. It is submitted that the Sub-Inspector of Akodhigola police station, Rohtas has recommended for release of the vehicle by the court.

5. Learned counsel for the petitioner submits that till



date no confiscation proceeding has been initiated against the vehicle in question and in this connection the submission is that when the vehicle was stolen the petitioner had no knowledge of its being used for transportation of liquor, the vehicle in question could not have been seized or any proceeding be taken in this matter.

6. Learned counsel for the state submits that from the report of the Sub-Inspector of Akodhigola police station, Rohtas, it appears that the vehicle in question is the stolen vehicle of the petitioner whose registration number, engine number and chassis number had been tampered. It is submitted that in such circumstance, appropriate order may be passed directing the S.D.J.M., Dehri to pass an order for release of the vehicle.

7. Having regard to the facts and circumstance of the case, taking note of the submission of learned counsel for the petitioner that no confiscation proceeding has been initiated in this matter and the Sub-Inspector of Akodhigola police station has submitted a report in the court of S.D.J.M., Dehri recommending release of the vehicle in question, we direct the S.D.J.M, Dehri to pass an appropriate order for release of the vehicle on such terms and conditions as may be deemed just and



proper in the facts and circumstances of the case. In case any confiscation proceeding has been registered in that case, the petitioner will be at liberty to approach the S.D.J.M, Dehri/D.M, Gopalganj for release of the vehicle and he can raise plea there that in the facts of the case the vehicle may be released without imposing any penalty.

8. The S.D.J.M., Dehri or the D.M. Gopalganj shall be obliged to consider such prayer and pass an appropriate order within four weeks from today or filing of such application.

9. This writ petition is allowed.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

aditya/-

AFR/NAFR	
CAV DATE	
Uploading Date	20.11.2025.
Transmission Date	

