

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19267 of 2024

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Ajay Kumar Singh, Son of Rikeshwar Singh @ Rishikeshwar Singh, R/o
Village Ramgarh, P.S. Chatarpur Kaubal, District-Palamu (Jharkhand)

... .. Petitioner

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, Kaimur at Bhabua
4. Superintendent of Police, Kaimur at Bhabua
5. Superintendent of Excise Prohibition, Kaimur at Bhabua
6. Sub-Divisional Magistrate, Bhabua (Kaimur)
7. Inspector of Excise Police Station, Kaimur at Bhabua.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Respondent/s : Mr. Swapnil Kumar Singh, AC to GA-19

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 07-02-2025

In the instant petition, the petitioner has prayed for
the following relief(s):

*“I. For issuance of writ certiorari or any
appropriate writ to set aside the order dated
18.10.2024 passed by the sub-divisional Officer,
Bhabua (Kaimur) in Excise (Vehicle confiscation)
Case No. 480 of 2024 arising out of Excise P.S.
(Bhabhua) Case No. 285 of 2024 whereby
confiscated the vehicle Mahendra Scorpio S3,*



bearing registration No. JH15S-4793, belonging to this writ petitioner and directed to auction sale within two months even after getting notice that the aforesaid vehicle of the petitioner had been stolen away and for that petitioner has lodged in district Palamu Jharkhan i.e. Chhatarpur P.S. Case No. 20/2024 under section 379/34 of the I.P.C. against unknown thieves.

II. To direct the respondent Authorities to released the aforesaid Mahendra Scorpio S3, bearing registration No. JH15S-4793 in favor of petitioner.

III. To pass any further order/ direction as deem fit and proper to the fact of this case.”

2. On 20.12.2024, co-ordinate Bench has passed the following order:

“Respondents are hereby directed to file their counter affidavit positively before the next date of hearing.

2. The Senior Superintendent of Police, Kaimur at Bhabua, is hereby directed to verify whether is there any involvement of the petitioner for the offence under the Excise Act in view of the fact that he had registered Chhatarpur P.S. Case No.20 of 2024 for the offence under Sections 379/34 of the Indian Penal Code in respect of theft of the subject matter of the vehicle. If the theft of the vehicle and registration of



Chhatarpur P.S. Case No.20 of 2024 is genuine in that event, the Superintendent of Police, Kaimur at Bhabua, is hereby directed to release the subject matter of the vehicle in favour of the petitioner within a period of one week from today. Releasing of the subject matter of the vehicle is subject to outcome of the present writ petition.

3. Re-list this matter on 07.02.2025.”

3. Resultantly, the concerned Respondent has released the subject matter of vehicle in favour of the petitioner. Unnecessarily, Respondents have detained the petitioner's vehicle despite the fact that it was involved in theft case as is evident from F.I.R. registered on 30.01.2024 read with F.I.R. dated 26.03.2024 for the offences under the Bihar Prohibition and Excise Act, 2016. In other words, petitioner's vehicle after theft it was misused or abused by some miscreants insofar as involving for the offences under Excise Act. Based on the aforementioned material information, in all fairness, Respondents should have released the subject matter of vehicle in favour of the petitioner to the extent that subject matter of vehicle was not involved for the offences under the Excise Act at the behest of the petitioner after undertaking that vehicle will be produced as and when it is warranted for the purpose of investigation and other proceedings. On the other hand, they



have detained vehicle for more than one year and so also petitioner has been unnecessarily harassed and compelling him to file the present writ petition.

4. Accordingly, the present C.W.J.C. No. 19267 of 2024 stands allowed with cost of Rs. 10,000/- (Rs. Ten Thousand). Concerned Respondent shall pay the cost to the petitioner within a period of 08 weeks from the date of receipt of this order.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

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AFR/NAFR	N.A.F.R.
CAV DATE	N.A
Uploading Date	15.02.2025
Transmission Date	N.A

