

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1860 of 2025

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Khushboo Rani W/o Mohamad Sarfaraz Alam Resident of Vilalge-274, Road
No-13, Haroon Nagar Colony, Sector-2, P.S.-Phulwarisharif, District- Patna-
801505

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate-Cum-Collector, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Officer-in-Charge (S.H.O.), Barauli Police Station, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vyas Kumar Mishra, Advocate
For the State	:	Mr. Sarvesh Kumar GP-24

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 10-04-2025

On 19.03.2025, we have passed the following order:-

“The Superintendent of Police, Gopalganj is hereby directed to file his personal affidavit, whether subject matter of vehicle is involved for the offence under section 379 with reference to date of registration of case on 07.09.2024 read with another FIR dated 09.10.2022 for the offences under Excise Act. If the stolen vehicle is involved for the offences under the Excise Act in that event, owner of the vehicle is entitled to release of the subject matter of the vehicle subject to all proceedings. In this regard, personal affidavit shall be



filed on the next date of hearing as to why petitioner is not entitled to have the benefit of release of the vehicle in his favour.

2. Re-list this matter on 02.04.2025.”

2. Today, learned counsel for the respondents has filed hard copy of the counter affidavit on behalf of respondent no. 3 namely, Superintendent of Police, Gopalganj. The Superintendent of Police, Gopalganj, has not disputed that the subject matter vehicle was stolen by some miscreants and the same has been misused by the miscreants insofar as committing excise offence, in this backdrop the owner of the vehicle shall not be penalized. Therefore, the concerned authority is hereby directed to release the subject matter vehicle which has been seized on 09.10.2024 within a period of one week from today.

3. For having compelled the petitioner to invoke remedy before this Court without his any role in the excise offence on the other hand he has registered FIR for theft of the vehicle. Therefore, the petitioner is entitled to litigation cost and it is quantified at Rs. 10,000/-. Cost shall be paid by the respondents to the petitioner within a period of four weeks from today.



4. With the above observation, the writ petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.04.2025
Transmission Date	NA

