

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2134 of 2026**

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Aman Kumar Son of Gajendra Singh, Resident of Village Saidpur, P.O.-  
Karauta, P.S.-Salimpur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Excise Commissioner, Bihar, Patna.
4. The District Magistrate-cum-Collector, Saran, Chhapra.
5. The Superintendent of Police, Saran, Chhapra.
6. The Officer-in-Charge, Utpad (Excise) Sadar P.S, Saran.

... .. Respondent/s

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**Appearance :**

|                    |   |                                                                   |
|--------------------|---|-------------------------------------------------------------------|
| For the Petitioner | : | Md. Waliur Rahaman, Advocate<br>Mr. Nishant Kumar Sinha, Advocate |
| For the State      | : | Mr. Sarvesh Kumar Singh, AAG-13                                   |

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**and**  
**HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)**

4      15-05-2026                      Heard learned counsel for the petitioner and learned  
counsel for the State.

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

*“(i). For release of the vehicle in  
favour of the petitioner in which the  
petitioner is the owner of said seized  
motorcycle bearing Registration No.BR 01  
HB-5925, the above motorcycle name as  
Hero Splendour + modal is has been seized  
in connection with sadar utpad P.S Case no.  
165 /2025 due to Violation of the Bihar*



*prohibition and Excise Act 2018 by a third person, after changing the number plate.*

*(ii) Quash/set aside the penalty of 50% of valuation amount made by the District Magistrate, Saran in Consification case no-510/20251 order dated 15.10.25.*

*(iii) Direct the respondents not to take any coercive action against the petitioner in the confiscation proceeding.*

*(iv). Award compensation to the petitioner for illegal detention of the vehicle, mental harassment and financial loss, quantified at Rs. 25,000/- (Rupees Twenty-Five Thousand) or such other amount as this Hon'ble Court may deem fit and proper.*

*(v) Pass any other order(s) as this Hon'ble Court may deem fit and proper.”*

3. Learned counsel for the petitioner submits that petitioner is the registered owner of the motorcycle, bearing Registration No.BR01HB5925, Engine No.HA11EANHM 17534, Chassis No.MBLHAW179NHM27541. On 11.12. 2024, the said motorcycle was stolen away, for which a written complaint was made in the Salimpur Police Station in the district of Patna. The F.I.R was lodged on 15.12.2024. It is submitted that subsequently on 22.07.2025, the said stolen motorcycle was intercepted and 14 liters of liquors were recovered from the possession of a person, who was using the said motorcycle after changing the number plate. A case, being Sadar Excise P.S Case No. 165 of 2025 (Annexure-P/3), has been lodged in connection with the said



seizure.

4. It is stated that a confiscation proceeding has been initiated in respect of the motorcycle in question. In said confiscation proceeding, the District Magistrate has informed the petitioner to appear with an application for release in Form-IV in terms of Rule-12 (A) of the Bihar Prohibition and Excise Rules, 2021, as amended earlier, and he can get release of the vehicle on payment of 50% of the present valuation of the vehicle.

5. Learned counsel has relied upon a judgment of this Court in the case of Rubi Devi (CWJC No.15595/2025), in which this Court has taken a view that where the vehicle was being used for transportation of liquor without knowledge of the owner of the vehicle or that the vehicle is stolen away, the owner of the vehicle would not be liable to pay penalty.

6. A counter affidavit has been filed on behalf of Respondent No.4. In the counter affidavit, it is stated that in the confiscation case, the Confiscating Authority has called for a report from the S.H.O. of Salimpur P.S., regarding the statement of claim of the petitioner so that appropriate final order may be passed. The confiscation proceeding has been kept pending in absence of the report from the Salimpur Police Station.

7. It appears from the previous order passed by this



Court that on 23.03.2026, while granting last indulgence to learned counsel for the respondent-State to comply with the earlier order of this Court, it was made clear that failing the compliance, this Court may proceed to consider the issue regarding release of the motorcycle in question.

8. Learned counsel for the State does not dispute that the case was lodged by the petitioner earlier in respect of the theft of the motorcycle. Neither in the said case any material has come involving the petitioner so far, nor in the excise case the role of the petitioner has been found.

9. This being the position, we are of the considered opinion that the petitioner cannot be made liable to pay 50% of the valuation of the vehicle. We direct the Confiscating Authority to release the vehicle in question forthwith without payment of penalty.

10. This writ application stands allowed.

**(Rajeev Ranjan Prasad, J)**

**(Soni Shrivastava, J)**

harsh/-

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