

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3420 of 2026

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Suraj Kumar S/o Lalo Rajvanshi, Resident of Village- Chandaura, P.S-
Chhavilapur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Prohibition Excise and Registration Department, Government of Bihar, Patna.
2. The Commissioner, Prohibition Excise and Registration Department, Government of Bihar, Patna.
3. The Assistant Commissioner, Prohibition Excise and Registration Department, Government of Bihar, Patna.
4. The District Magistrate cum Collector, Gaya.
5. The Excise Superintendent of Police, Gaya.
6. The Station Head Officer, Police Station Wazirganj, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Krishna Deo Raj, Advocate

For the Respondent/s : Mr. Prashant Pratap, GP-2

Mr. Shadwal Harsh, AC to GP-2

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE KUMAR MANISH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

3 18-06-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This writ application has been preferred seeking the
following reliefs:-

"(I) For issuance of an appropriate
writ/order/direction commanding to the
Respondent Authorities for direction to the
Respondent Authorities to release the seized
Apache Motorcycle of the petitioner bearing Reg.
No.BR27T-3713, Model No. TVS Apache RTR
1602V RM DISC BS-4, Engine



No.AE8DP2013697, Chassis
No.MD634BE8XP2D13501, Colour-Blue. Despite
the fact that the petitioner had already lodged an
FIR of theft against unknown persons prior to the
alleged Excise offence.

(II) For any others order/orders for which this
Hon'ble Court may deem fit and proper."

3. It is the case of the petitioner that he is a registered
owner of the Apache Motorcycle which was stolen away on
01.10.2025. In connection with the theft of his vehicle, the
petitioner lodged Chhabilapur P.S. Case No.163 of 2025 dated
08.10.2025 registered under Section 303(2) of the Bhartiya
Nyay Sanhita (in short 'BNS') against the unknown persons.

4. It appears that, later on, the vehicle in question was
seized in connection with Wazirganj P.S. Case No.702/2025
dated 18.10.2025 for the offence alleged under Section 30(a) of
the Bihar Prohibition and Excise Act, 2016 (As Amended
Uptodate).

5. In the counter affidavit filed on behalf of the S.P.,
Nalanda, it is specifically stated in paragraph '9' that after
registration of FIR, investigation of the case was conducted in a
proper, fair and impartial manner. In paragraph '10' of the
counter affidavit, it is stated that the motorcycle was indeed
stolen and was conclusively found to be true against unknown
accused persons.



6. In view of the averments present in the counter affidavit of the S.P., Nalanda, this Court is of the considered opinion that the motorcycle in question cannot be subjected to confiscation and the petitioner would not be liable to pay any penalty for purpose of release of the vehicle.

7. We grant liberty to the petitioner to file an application under Rule 12A of the Bihar Prohibition and Excise Rules, 2021 (As Amended Uptodate) before the competent authority seeking release of the vehicle in question. The competent authority shall pass an appropriate order thereon for release of the vehicle. In view of our findings recorded hereinabove, no penalty shall be imposed upon the petitioner. The competent authority must pass the order for release within a period of two weeks from the date of filing of the application.

8. This writ application is allowed to the extent hereinabove.

(Rajeev Ranjan Prasad, J)

(Kumar Manish, J)

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