

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3274 of 2026

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Ravindra Ray S/o Jayakishor Ray, R/o Village- Dharipur, Haraji P.S.-
Awtarnagar, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department, Govt. of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Saran.
3. The Superintendent of Police, Saran.
4. The S.H.O. Awtarnagar Police Station, Saran.
5. The District Magistrate, Muzaffarpur.
6. The Superintendent of Police, Muzaffarpur.
7. The S.H.O. Muzaffarpur, Excise P.S., Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ravi Prakash, Advocate
For the Respondent/s	:	Ms Archana Meenakshee, GP-6
		Mr. Rana Veer Prawar, AC to GP-6

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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. The present writ application has been filed for release of the Scorpio vehicle bearing Reg. No. BR-1PK 4484, Chassis No.MA1TA2TDKJ2H26478, Engine No.TDJ4H84274 belonging to the petitioner which has been seized in connection with Muzaffarpur Excise P.S. Case No.132 of 2026 on 21.01.2026 registered under Sections 30(a) and 30(3) of the Bihar Prohibition



and Excise Act, 2016 (As Amended Uptodate).

3. It is the case of the petitioner that the vehicle in question was stolen away by unknown thieves on 13.01.2026. In this connection, the petitioner lodged Awtarnagar P.S. Case No.20 of 2026 dated 13.01.2026 under Sections 303(2)/3(5) of the Bhartiya Nyay Sanhita (in short 'BNS').

4. Earlier, this Court called for a counter affidavit from the respondents. The respondent no.4 i.e. the Senior Superintendent of Police, Saran has filed a counter affidavit. It is admitted that Awtarnagar P.S. Case No.20 of 2026 dated 13.01.2026 was instituted on the basis of a written complaint of the informant Ravindra Rai and as per his complaint, unknown thieves have stolen away his Scorpio vehicle. It is stated that during investigation, based on inspection of the place of occurrence, statements of the informant and witnesses and the recovery/seizure actions, the case has been found to be true under Sections 303(2)/317(2)/317(4)/3(5) of BNS against (i) Sujit Kumar, son of Suresh Ray (ii) Vikash Kumar, son of Deendayal Mahto (iii) Nikki Kumar, son of Viresh Pandey and (iv) owner of Bolero pickup, Registration No.BR-06-4D-9235, namely, Shambhu Ray, son of late Bathu Rai. The vehicle in question which has been seized in connection with the excise case is registered in the name of the petitioner. It is further stated in the



counter affidavit that upon verification from police station records and SCRB, Chakra in Bihar, no other criminal case has been found registered against the Scorpio vehicle owner Ravindra Rai. In this connection, letter no.1326 dated 23.03.2026 (Annexure-R/1) has been enclosed with the counter affidavit.

5. Similarly, a counter affidavit has been filed on behalf of the respondent nos.5 and 7 sworn by the Excise Inspector, Muzaffarpur. In the counter affidavit filed by these respondents, it is stated that approximately 138.240 liters of illicit foreign liquors were recovered from the vehicle and a confiscation proceeding has been initiated which is pending adjudication before the learned ADM (Revenue), Muzaffarpur. In his submissions, the petitioner has a complete statutory remedy available before the said authority.

6. On going through the counter affidavits of the concerned respondents, we find that admittedly the vehicle in question was stolen away on 13.01.2026. The case has been investigated and the police has found the name of the persons behind the theft of the vehicle. No role of the petitioner has been assigned either in the theft of the vehicle or in the alleged transportation of liquors in the said vehicle. In this admitted fact of the case, we are of the considered opinion that the vehicle in question cannot be subjected to confiscation. We rely on the



judgment of this Court in the case of **Bimlesh Kumar Vs. The State of Bihar & Ors.** reported in **2026 (1) BLJ 477.**

7. We grant liberty to the petitioner to file an application under Rule 12A of the Bihar Prohibition and Excise Rules, 2021 before the competent authority together with a copy of the order of this Court. On receipt of the said application, the competent authority shall consider the same keeping in view the discussions made hereinabove and shall pass an appropriate order for release of the vehicle. Since it is a case of stolen vehicle and nothing wrong has been found on the part of the owner of the vehicle, the competent authority shall not impose any penalty as a condition for release of the vehicle. In any case the vehicle must be released within a period of two weeks from the date of receipt/production of a copy of this order before the competent authority.

8. This writ application is allowed.

(Rajeev Ranjan Prasad, J)

(Kumar Manish, J)

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