

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4796 of 2026

Partha Sarathi Sarkar, Son of Sunil Kumar Sarkar, Resident of village-Nightingale Nursing Home, G.T. Road Opposite of Indian Oxyzen Company, Gopalpur, Raghunath Clock, P.S. - U.C. Danga, Distt. - Bardhman, West Bengal.

... .. Petitioner

Versus

1. The State of Bihar through the Addl. Chief Secretary, Department of Prohibition and Excise, Patna.
2. The Excise Commissioner, Department of Pohibition and Excise, Govt. of Bihar, New Secretariat, Patna.
3. The Collector cum District Magistrate, Vaishali at Hajipur.
4. The Superintendent of Police, Vaishali at Hajipur.
5. The Sub Divisional Magistrate, Vaishali at Hajipur.
6. The Excise Superintendent, Vaishali at Hajipur.
7. The S.H.O. Patepur Police Station, Distt. Vaishali.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Pranav Kumar, Advocate Mr. Rajeev Ranjan No.II, Advocate Ms. Ananya Harsh, Advocate
For the State	:	Mr. Sheo Shankar Prasad, SC-8

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

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 22-04-2026 Heard learned counsel for the petitioner and learned
SC-8 for the State of Bihar.

2. The petitioner in the present case is seeking release of the vehicle bearing registration no. WB38AY0816, Engine No. D4FAMM417575 which has been seized in connection with Patepur P.S. Case No. 233 of 2024 registered under Sections 30(a), 32(ii), 41(i) of the Bihar Prohibition and Excise Act,



2018.

3. Learned counsel for the petitioner submits that the petitioner is the owner of the vehicle. The said vehicle was stolen away for which Kaushambi P.S. Case No. 235 of 2024 was registered against unknown for the offence under Section 379 of the Indian Penal Code. The said vehicle was being misused by the miscreants after tampering its registration number and engine number. The vehicle has later been found transporting liquor for which Patepur P.S. Case No. 233 of 2024 has been registered and the vehicle had been seized. The confiscation proceeding has been recommended.

4. Learned counsel for the State has submitted that the petitioner is a resident of the State of West Bengal, however, he claims that his vehicle was stolen away from Ghaziabad. Learned counsel submits that he has received instruction and according to his instruction, the police has already submitted a chargesheet against the persons from whose possession the vehicle has been found. The investigation did not reveal any involvement of this petitioner in the theft case or in the liquor case.

5. Having regard to the facts and circumstances of the case and the admitted position that the vehicle in question was



stolen away, in the said case, police has submitted a chargesheet against the persons who were involved and the name of the petitioner has not transpired either in the matter of theft of the vehicle or in the matter of transportation of the liquor in the said vehicle.

6. In the aforesaid view of the matter, we grant liberty to the petitioner to make an application before the Confiscating Authority for release of the vehicle in question without any penalty and in case such an application is filed, the Confiscating Authority shall pass an appropriate order for release of the vehicle in question. The fact being that the vehicle is a stolen one, the Confiscating Authority shall not burden the petitioner by imposing any penalty. This order is being passed keeping in view the catena of judgments of this Court that in a case of stolen vehicle where the involvement of the owner of the vehicle has not come in course of investigation, he would not be liable to pay penalty.

7. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Soni Shrivastava, J)

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