

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4512 of 2026

Sanjay Kumar S/o Hari Lal Prasad, R/o Village- Ghorgahiya, P.O.- Nainpura,
P.S. Pachrukhi, District- Siwan.

... .. Petitioner

Versus

1. The State of Bihar through Secretary Excise and Prohibition Department
Gov. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Gopalganj, Bihar.
4. The Superintendent of Police, Gopalganj, Bihar.
5. The Superintendent of Excise, Gopalganj, Bihar.
6. The SHO, Kuchaikote P.S., Bihar.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Kumar Harshvardhan, Advocate Mr. Rajnikant, Advocate
For the Respondent/s	:	Mr. Government Advocate (05)

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

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 20-04-2026 Heard learned counsel for the petitioner and learned
GA-5 for the State of Bihar.

2. The present writ application has been filed for quashing the order dated 04.02.2025 passed by the Sub-Divisional Magistrate, Gopalganj in Confiscation Case No. 904/2024 whereby and whereunder the Scorpio bearing Registration No. JH-01-BN-8011, Engine No. SJE4M20191 and Chassis No. MA1TA2SJXF2A10765 belonging to the petitioner has been confiscated and ordered to be auction sold.



3. Mr. Ajay, learned GA-5 for the State has informed that the vehicle has yet not been sold. This is on the basis of oral instruction which he has received.

4. Learned counsel for the petitioner submits that the Scorpio bearing the aforesaid registration number is a stolen vehicle for which the petitioner had lodged a first information report being Jagranathpur P.S. Case No. 506 of 2023. The vehicle was stolen away on 04.11.2023 at 01:23 AM during the night hour. The said vehicle was later on intercepted on 05.08.2024 at around 02:50 PM by an Excise Team in a routine check up near NH-27 under Kateya Police Station. The Excise Team recovered 397.440 litres of foreign liquor of Officer's Choice from the vehicle. It is for this reason a first information report giving rise to Kuchaikot P.S. Case No. 337 of 2024 has been registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2022 and Section 317(6) of the Bhartiya Nyaya Sanhita on 05.08.2024.

5. Learned counsel submits with reference to the judgment of this Court in the case of **Bittu Kumar Gupta Vs. State of Bihar** in **CWJC No. 13174 of 2025** that where the theft case has been lodged by the petitioner and that has resulted into submission of final form saying that the occurrence was



true but no clue, the vehicle in question is required to be released. This Court has on earlier occasions in several judgments made it clear that in such cases, the vehicle owner cannot be burdened with the penalty.

6. Learned counsel further submits that the petitioner was not served with any notice, intimation or communication whatsoever with regard to the alleged seizure of the vehicle and he was never called upon to appear before the competent authority. The confiscation proceeding is *ex-parte* and the impugned order has been passed in violation of principles of natural justice.

7. Mr. Ajay, learned GA-5 has submitted that in view of the specific statements in the writ application, for the present, this Court may set aside the impugned order of confiscation and the petitioner may be given liberty to approach the Confiscating Authority. On the petitioner filing an appropriate application with the averments as have been made before this Court, the Confiscating Authority may be directed to pass an appropriate order within a stipulated period.

8. Having regard to the submissions recorded hereinabove and the pleadings available on the record, this Court is of the considered opinion that the vehicle in question



being a stolen vehicle has been seized by the Excise Team and thereafter confiscation proceeding has been initiated. The order of confiscation (Annexure 'P/5') has been brought on record from which this Court finds that the name of the owner of the vehicle could not be made available by the District Transport Officer, Gopalganj whereafter it is stated that notice was published in the newspaper '*Prabhat Khabar*' and '*Aaj*' on 04.12.2024 and 06.12.2024 but no one could appear. It is evident that the vehicle in question was registered in the State of Jharkhand.

9. On the face of the materials present on the record, we set aside the impugned order of confiscation.

10. The petitioner is at liberty to approach the District Magistrate, Gopalganj/the Confiscating Authority i.e. the Sub-Divisional Magistrate, Gopalganj in Excise Confiscation Case No. 904 of 2024.

11. The petitioner may, if so advised, file an appropriate application bringing the entire facts and circumstances to the notice of the Confiscating Authority who will consider the same and pass an appropriate order within two weeks from the date of filing of the application. The petitioner shall also disclose the fact as to whether he has taken the



insurance value of the vehicle from the Insurance Company or not.

12. It is made clear that the Confiscating Authority shall take an appropriate view keeping in mind the judicial pronouncements of this Court in the catena of judgments applicable to the cases of the stolen vehicles. Petitioner shall not be unnecessarily harassed if the investigation has not revealed his involvement in the theft of the vehicle or in the transportation of the liquor.

13. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Soni Shrivastava, J)

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