

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5477 of 2026

=====

Sanyukta Singh, Wife of Satish Kumar Singh, Resident of 3 SFA Block No.01, Flat No.15, Bahadurpur Housing Colony, Police Station- Agamkuan, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Prohibition of Excise and Registration Department, Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate cum Collector, Patna.
4. The Station House Officer, Agamkuan Police Station, District Patna.
5. The Station House Officer, Excise Police Station Patna.

... .. Respondents

=====

Appearance :

For the Petitioner : Mr. Dinesh Maharaj, Advocate
For the Respondent/s : Mr. Nagendra Prasad Yadav, SC-23

=====

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

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 06-05-2026 Heard learned counsel for the petitioner and learned
SC-23 for the State.

2. The petitioner in the present writ application is seeking writ in the nature of Writ of Mandamus directing the respondents to release the scooty bearing Registration No. BR 01-CM 2809, Engine No. JF39E71026922, Chassis No. ME4JF393FF7026858, which has been seized in connection with Prohibition and Excise Patna Police Station Case No. 4252 of 2025 dated 18.12.2025 under Sections 30(a), 41 and 56(b) of the Bihar Prohibition and Excise Act, 2016 (as amended up-to-



date).

3. The facts of the case are not in dispute, hence, this writ application is being disposed of at this stage.

4. According to the petitioner, the scooty bearing Registration No. BR 01-CM 2809, Engine No. JF39E71026922, Chassis No. ME4JF393FF7026858 is registered in the name of the petitioner. The said scooty was stolen away from the parking place of the building in which the petitioner is residing. In the CCTV footage, two unknown miscreants were found taking away the scooty. This has been brought to the notice of the SHO of Agamkuan Police Station where Aghamkuan P.S. Case No. 672 of 2025 has been registered on 10.09.2025. In this case, police has submitted a final form finding that the involvement of the petitioner has not come and subsequently, the same scooty has been recovered by police while carrying about 272 liters of liquors. In connection with the liquor case, the scooty has been seized. In this case also the involvement of the petitioner has not been found.

5. Learned counsel for the petitioner submits that even as the petitioner has already registered one FIR in connection with the theft of the scooty, the competent authority has initiated a confiscation proceeding without realizing that in case of the



stolen vehicles, this Court has in catena of judgments held that owner of the stolen vehicle cannot be held liable for penalty or confiscation of the vehicle. Reference in this regard has been made in the case of **Manju Devi vs. The State of Bihar and Ors. (CWJC No. 15337 of 2025)**, **Bimlesh Kumar versus The State of Bihar and Ors. (CWJC No. 19659 of 2025)**, **Prasant Kishore Thakur versus The State of Bihar and Ors. (CWJC No. 14985 of 2025)** reported in **2025 SCC OnLine Pat 3653** and **Khushboo Rani vs. The State of Bihar and Ors. (CWJC No. 1860 of 2025)**.

6. Learned SC-23 for the State does not dispute that the petitioner is the owner of the scooty in question, the said scooty was stolen away for which a first information report has been lodged in Agamkuan Police Station. It is also not disputed that in the said first information report, police has submitted a final form, the involvement of the petitioner has not come in course of investigation.

7. Having regard to the entire facts and circumstances and the admitted position as recorded hereinabove, we are of the considered opinion that the scooty bearing Registration No. BR 01-CM 2809, Engine No. JF39E71026922, Chassis No. ME4JF393FF7026858, which has been seized in connection



with Prohibition and Excise Patna Police Station Case No. 4252 of 2025 dated 18.12.2025 cannot be subjected to confiscation. The petitioner may file an application before the Confiscating Authority who has issued notice and bring the entire materials to the knowledge of the Confiscating Authority who will consider the application and pass an order for release of the vehicle in question within a period of one week from the date of submission of the application. The competent authority shall keep in mind that if the petitioner is not found involved in either theft of the vehicle or in the transportation of the illicit liquor, the vehicle in question would be liable to be released without demanding any penalty from the petitioner. Such orders be passed within the stipulated period.

8. This writ application stands allowed to the extent indicated hereinabove.

(Rajeev Ranjan Prasad, J)

(Soni Shrivastava, J)

SUSHMA2/-

U			
---	--	--	--

