

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5478 of 2026

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Gautam Kumar @ Gautam Kumar Singh Son of Virjeshwar Singh Resident of
Village- Achuara, P.S.- Barh, Distt.- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Prohibition and Excise, Old Secretariat, Patna.
2. The Excise Commissioner, Department of Prohibition and Excise, Govt. of Bihar, New Secretariat, Patna.
3. The Collector cum District Magistrate, Saran at Chapra.
4. The Superintendent of Police, Saran at Chapra.
5. The S.H.O., Kopa Police Station, Distt.- Saran.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Pranav Kumar, Advocate Mr. Rajeev Ranjan No. II, Advocate
For the State	:	Mr. Dharmendra Kumar AC to GP-5

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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)

2 09-07-2026 Heard learned counsel for the petitioner and learned
AC to GP-5 for the State of Bihar.

2. The petitioner in this case is seeking a direction to the respondents to release the Scorpio vehicle bearing Registration No. BR 01 HD1640, Engine No. YSP4D54619, Chassis No. MA1TA2YS2P2D46682 which has been seized in connection with Kopa PS Case No. 260 of 2025 instituted on 07.10.22025 punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (as amended up to date) (hereinafter referred to as the 'Act of 2016').



3. In course of hearing of the writ application, it transpired that the petitioner claims to be the owner of the vehicle. According to him, his vehicle was stolen away from Achuara under the Barh Police Station for which FIR No. 500 of 2025 was lodged on 22.08.2025 vide Annexure 'P/2' to the writ petition.

4. It is submitted that registration number of the stolen vehicle was tampered by the miscreants, later on, the said vehicle was found transporting 547.02 litres of India made foreign liquor. It is for this reason the excise case being Annexure 'P/1' has been registered, and the vehicle in question has been seized. It has been subjected to confiscation proceeding.

5. A counter affidavit has been filed on behalf of the respondent no. 3. In the counter affidavit, there is no denial of the assertion made by the petitioner in the writ application. In a very simple language, the respondents have taken a plea that the excise case has been registered because 547.02 litres of foreign liquor was recovered from the vehicle. Then, it has been stated that police has submitted a requisition for confiscation and the confiscation proceeding is pending.

6. Having regard to the entire materials available on



the record, we can safely conclude that there is no denial of the fact that the vehicle was stolen away as back as on 22.08.2025 for which a police case was registered. If it is so, then the petitioner would fall in the category of a victim of crime being owner of the vehicle. In such circumstance, the petitioner cannot be subjected to a proceeding under which he may be held liable to give penalty for release of the vehicle.

7. The confiscation proceeding seems to be misconceived. It cannot go on.

8. We grant liberty to the petitioner to file an application in the given format before the competent authority under Rule 12 (A) of the Bihar Prohibition and Excise Rules 2021 (as amended up to date). If such an application is filed before the competent authority/authorised officer within a period of 30 days from today, the same will be considered at the earliest and in no case, it should be more than 30 days from the date of filing of the application.

9. It goes without saying that the vehicle being a stolen vehicle, release of the same cannot be made subject to payment of penalty. No penalty may be imposed in such cases. The petitioner may place the entire materials and the case laws before the competent authority/forum.



10. This writ application is allowed to the extent indicated hereinabove.

(Rajeev Ranjan Prasad, J)

(Kumar Manish, J)

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