IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.950 of 2026

CNR No. BRHC011349902025

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Baiju Kumar S/o Late Jaldhar Poddar, Resident of Village- Nemopur Sedha, P.O. - Raini, P.S. Sakra, District- Muzaffarpur.

... ... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Transport Department, Govt. of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The District Transport Officer, Muzaffarpur.
4. The Excise Department, Muzaffarpur through Assistant Excise Commissioner.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Vijay Anand, Advocate
For the State : Mr. Rudra Pratap Singh, AC to GP 38
For the SBI : Mr. Sanjiv Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 23-11-2026

Heard Mr. Vijay Anand, learned Advocate for the petitioner and Mr. Rudra Pratap Singh, learned Advocate for the State.

2. The challenge in the present writ petition is made to an order dated 07.07.2025 passed by the District Transport Officer, Muzaffarpur, contained in Memo No. 2995 whereby and whereunder the application for transfer in the name of the owner on the basis of auction purchase from the Department of Excise was rejected on the ground that registration of the owner of the vehicle, namely Vinayak Shekhar, was found suspicious.

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3. The short facts as culled out from the record and demonstrated that the confiscation proceeding was initiated pertaining to a seized vehicle bearing Registration No. BR33M 7147 in connection with Piar P.S. Case No. 111/2019 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. The petitioner, intending to participate in the auction, filed an application to participate in the confiscation proceeding as initiated in the Collectorate, Muzaffarpur. The Motor Vehicle Inspector was directed to submit a report and accordingly the same has been done. The petitioner, on being found highest bidder, has been declared successful and the bidding amount to the tune of Rs. 3,25,000/- was deposited in the Treasury and the vehicle was handed over to the petitioner. The petitioner seemingly filed an application before the District Transport Officer, Muzaffarpur with all the requisite papers including the Memo No. 1696 dated 23.06.2023 by which the vehicle was confiscated, along with the Aadhaar Card and affidavit to transfer his name in the R.C. Book in respect of the vehicle No. BR33M 7147.

4. Notwithstanding the entire formalities completed by the petitioner, the District Transport Officer, based upon the report of the Motor Vehicle Inspector, rejected the claim of the

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petitioner for transfer of his name in the R.C. Book and thereby compelled the petitioner to approach this Court.

5. It is the specific contention of learned Advocate for the petitioner that the petitioner had participated in the confiscation proceeding bonafidely and after proper verification and on the report of the Motor Vehicle Inspector, finally, on being found the petitioner eligible, he was declared successful bidder and the vehicle was handed over to him. The petitioner has never been at fault and thus, either he is entitled to get his name transferred in the R.C. Book or the bidding amount must be returned to him along with the statutory interest.

6. Learned Advocate for the State, refuting the aforesaid contention, has submitted that the District Transport Officer rejected the petitioner's application for transfer of ownership based upon the verification report and manufacturer's confirmation which established that the petitioner's claim is unsustainable in law. The State further submitted that on physical verification of the vehicle, in question, by the concerned Motor Vehicle Inspector, it transpired that the vehicle was seized in the year 2019; however, its fitness and insurance were mysteriously updated raising initial suspicion. Furthermore, one another individual, namely Vinayak Shekhar,

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presented a separate vehicle possessing the exact same registration no., chassis no. and engine no. A subsequent technical examination by an authorized Mahindra agency conclusively established that the presented chassis and engine number do not exist in the manufacturer's pan-India database and have no service record whatsoever, thereby rendering the vehicle held by the petitioner inherently un-registrable under the Motor Vehicles Act and thus, fully justified the answering respondents to reject the transfer of the application vide the impugned order. It is also contended that be that as it may, the petitioner has a remedy to assail that order by filing an appropriate appeal under Section 57 of the Motor Vehicles Act, 1988.

7. Considering the nature of the dispute and the admitted position that the petitioner had bona fidely participated in the confiscation proceeding and on being found a successful bidder, deposited an amount of Rs. 3,25,000/- in the Treasury in favour of Excise Department, there is neither any allegation that the petitioner was instrumental in causing any fraud upon the Department or any authority and once the petitioner has purchased the vehicle in question in a confiscation proceeding after proper verification, upon the report of the Motor Vehicle Inspector, either

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the name of the petitioner should be registered in the R.C. Book or he is entitled to get his money back.

8. On being found that the petitioner is nowhere at fault, this Court is left with no option but to direct the District Magistrate, Muzaffarpur to consider the claim of the petitioner afresh and take appropriate decision, preferably within a period of eight weeks from the date of receipt/production of a copy of this order, as the petitioner cannot be put to suffer because of no fault of his own.

9. With the aforesaid observation, the writ petition stands disposed of.

(Harish Kumar, J)

Siddharth Kr.
Shaw/-

AFR/NAFR	NAFR
CAV DATE	NA
Date of Pronouncement	23.11.2026
Uploading Date	25.11.2026
Transmission Date	NA

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