

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6032 of 2025**

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Dhananjay Nishad @ Dhananjay Kumar Nishad, Son of Prithvi Chand Nishad, Resident of Village-Pipraghat, Police Station-Seorahi, District-Kushinagar (U.P).

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, West Champaran at Bettiah.
2. The District Magistrate-Cum-Collector, West Champaran at Bettiah.
3. The Superintendent of Police, Bagaha Police District at Bagaha, West Champaran.
4. The S.D.O., Bagaha, West Champaran.
5. The S.H.O., Bagaha, West Champaran.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ravi Shankar Sahay, Advocate  
Ms. Prerna Anand, Advocate  
For the Respondent/s : Ms. Pushpanjali Sharma, AC to SC-20

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

**and**

**HONOURABLE MR. JUSTICE SOURENDRA PANDEY**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE SOURENDRA PANDEY)**

**Date : 10-11-2025**

Heard the learned counsel for the parties.

2. The present writ application has been preferred seeking a direction to the respondents to release the motorbike, bearing Registration No. UP57AR6556, Chassis No. MBLHAW090KHF 03052 and Engine No. HA10AGKHF09947, in favour of the petitioner, who is the owner of the said vehicle, which was seized in connection



with Bagaha P.S. Case No. 114 of 2024 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2022 (*in short the 'Excise Act'*).

3. The facts giving rise to the present writ application is to the effect that an F.I.R., bearing Bagaha P.S. Case No. 114 of 2024, was registered for the offence under Section 30(a) of the Excise Act with an allegation that one person upon seeing the police fled away, leaving his motorbike at the place of occurrence. It was alleged in the F.I.R. that on search, 20 ltrs. of country made liquor was recovered in two gallons from the said motorbike having no registration number and an F.I.R. was lodged against unknown person as well as against the owner of the said motorbike.

4. The learned counsel for the petitioner submits that though the F.I.R. was lodged against the owner of the seized motorbike, but the petitioner, who is the registered owner of the said bike, was in no way involved in the said crime under the Excise Act. It has been submitted that the alleged bike, which has been seized in connection with Bagaha P.S. Case No. 114 of 2024 was in fact stolen by some unknown person from the premises of Government



Hospital, Sewarahi, in the District of Kushinagar, Uttar Pradesh, on 25.11.2022 and for the said occurrence, an F.I.R. was lodged by the petitioner in Sewarahi Police Station on 01.12.2020, bearing No. 355 of 2022 under Section 379 of the Indian Penal Code. It has further been submitted that the petitioner had approached the concerned respondent authority, *i.e.*, the District Magistrate-cum-Collector, West Champaran at Bettiah for release of the aforesaid motorbike, but the same has not been released in his favour till date.

5. The learned counsel for the petitioner has specifically submitted that to his information, no confiscation proceeding has yet been initiated against the bike in question and as such, the petitioner had no remedy but to move before this Court for redressal of his grievance.

6. Ms. Pushpanjali Sharma, the learned AC to SC-20, referring to the counter affidavit filed on behalf of respondent Nos. 1 and 2, has submitted that the Superintendent of Police, Bagaha has requested the Additional District Magistrate, West Champaran for confiscation of the seized vehicle in connection with Bagaha P.S. Case No. 114 of 2024 and, accordingly, the Court of



Additional District Magistrate, West Champaran initiated CRM Case No. 504 of 2024-25 and issued notice according to Notification No. 3671 dated 31.05.2023 to the owner of the vehicle, *i.e.*, the writ petitioner. It has been submitted that after service of notice, the writ-petitioner has never appeared nor filed any representation before the Additional District Magistrate, West Champaran. Thereafter, the Court of Additional District Magistrate has directed his office to publish a notice in the daily newspaper, mentioning the details of the vehicle in question. In pursuance of the same, a general notice was published in the National News Paper 'Hindustan' on 21.08.2024.

7. In the counter affidavit referred to above, it has been categorically stated that despite the paper publication, the writ-petitioner did not turn up and, therefore, according to law, the Court of Additional District Magistrate, West Champaran, Bettiah confiscated the vehicle in question along with other vehicles and directed the concerned authority to auction the said vehicles and to deposit the amount, so collected, in the Treasury Office.

8. It has been submitted at the Bar that the petitioner had full knowledge of the entire proceedings of



CRM Case No. 504 of 2024-25, but he never appeared nor filed any representation before the Court of Additional District Magistrate, West Champaran, Bettiah. It has also been submitted that the petitioner has an alternative remedy to appeal under Section 92 of the Bihar Prohibition and Excise Act, 2016 (amended time to time) and without availing the same, the instant writ petition has been filed by the petitioner.

9. The learned counsel for the petitioner, in rebuttal thereof, has submitted that the petitioner had no knowledge of the confiscation proceedings and has, thus, prayed that he may be granted liberty to file an appeal before the Confiscation Authority seeking release of the vehicle in question.

10. The learned counsel for the State has no objection to the aforesaid submission made on behalf of the petitioner.

11. In view of the aforesaid facts and circumstances, this writ application is being disposed of with a liberty to the petitioner to prefer an appeal against the order of confiscation, if so advised, within a period of thirty (30) days from today. The appeal, preferred by the



petitioner, will be considered by the Appellate Authority on its merit, keeping in view the fact that the petitioner was pursuing his remedy before this Court under some *bona fide* legal advice.

12. The writ petition stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

**(Sourendra Pandey, J)**

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	11/11/2025
Transmission Date	N/A

