

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16297 of 2022

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Suresh Yadav S/o- Bajo Yadav, Resident of Village- Gangaraydih, P.S.-
Chakai, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. Additional Chief Secretary to the Govt. of Bihar, Prohibition Excise and
Registration Department, Patna.
3. Collector, District- Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms.Shruti Sinha, Advocate
For the Respondent/s : Mr.Vikash Kumar (SC 11)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 22-12-2022 Petitioner has prayed for the following relief(s):-

“For issuance of an appropriate writ order or direction for quashing new rule-12A inserted after rule-12 of Bihar Prohibition and Excise Rules 2021 vide the Bihar Prohibition and Excise (Amendment) Rule-2022 contained in memo no-11/Utpadniti-01-03/2021 2458 Patna dated 05-04-2022 issued by the Additional Chief Secretary Govt. of Bihar Prohibition, Excise and Registration Department to the extent where in at rule 12A(2) the penalty for release of vehicle, conveyance etc has been fixed at 50% of the latest insured value of the vehicle/conveyance assessed by insurance company and if insured value is not available or the collector or the officer authorized by him has reason to believe that



vehicle is under valued then the penalty will be 50% of the valuation amount of the district transport officer and the collector shall proceed with the confiscation/auction if the accused/owner does not pay the said penalty in 15 days and also 12A(5) where in it has been laid down that such penalty shall be regardless of the out come of the trial if any, before the special court, non-refundable as the same is arbitrary and hard and ultra virus to article-14, 19(g) and 21 the constitution and for the further direction to the respondents to impose reasonable penalty and also make it refundable if there is exoneration in the trial before the special judge and not to charge any penalty at all if the owner of vehicle is not involved in any offence under the Bihar Prohibition and Excise Act-2016 for which the said vehicle etc was seized and also for a direction to the respondents to realize the Maruti Suzuki Omni E MPI STD BS-III, Registration No- JH15S-2856, Chasis No.- MA3EVB11S01835056, Engine No- F8BIN5057284 register with department of transport govt. of Jharkhand i.e. D.T.O. Deoghar seized in connection with Sono PS Case No-122/21 dated 25-05-2021 under section- 272, 273 of IPC and 30(a), 41 of Bihar Prohibition and Excise Amendment Act-2018 without charging any penalty as the owner of vehicle i.e. the petitioner was not involved in the said offence but the offence has been committed by driver of vehicle without knowledge of the petitioner as is apparent from the FIR itself and if not then to charge reasonable penalty and not 50% of the insured value or for any other other order or orders which this Hon'ble may deem fit and proper under the circumstances of this



case.”

Learned counsel for the petitioner, under instructions, states that, in view of the intervening developments, the petition may be permitted to be withdrawn.

Prayer allowed.

Petition is disposed of as withdrawn.

Interlocutory application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/DKS

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