

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 1600 of 2023

Adity Kumari D/o Sri Chandrabhushan Prasad Shaundik, W/o- Amar Kumar,
resident of- Haspura, Aurangabad, P.S.- Aurangabad, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
3. The District Magistrate cum Collector, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Officer in Charge, Beur Police Station, Beur, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Abhimanyu Deo, Advocate

For the Respondent/s : Mr Vikash Kumar, SC XI

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE MADHURESH PRASAD)

Date : 12-04-2023

The petitioner is concerned with her Maruti Suzuki Ciaz Car, which was seized on 24-11-2022. An F.I.R being Beur PS Case No. 602 of 2022, dated 24-11-2022 was registered on the



recovery of 180 ML of foreign liquor from the vehicle in question.

Learned counsel for the petitioner submits that till date no confiscation proceeding has been initiated.

We find that there is no discretion cast on the District Collector to reduce the penalty considering the quantum of the liquor seized or the circumstances under which the offence is detected, under Rule 12A of the Bihar Prohibition and Excise Rules, 2021 (for brevity, ***the Rules***); as is available under Rule 12B of the Rules. We also notice that the quantum of the recovered liquor is one of the factors which has to be considered in imposing the penalty under Rule 12B of the Rules.

In such circumstances, we are of the opinion that on deposit of an amount of Rs. 20,000/-, (Twenty Thousand) which we compute only considering the very minimal quantity of liquor recovered, the vehicle bearing Registration No. BR 02 AC 9501, Engine No. D13A2664502, Chassis No. MA3FXEB1S00107895 shall be released within a period of two weeks from the date of receipt/production of a copy of this judgment, subject to verification of the petitioner's identity vis-a-vis ownership of the vehicle in question and there shall be no further confiscation proceedings against the said vehicle, on the basis of the instant crime registered.



Writ petition stands disposed of.

(K Vinod Chandran, CJ)

(Madhuresh Prasad, J)

M.E.H/uttam/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

