

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3032 of 2023

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Arun Kumar Singh @ Pappu, Son of Late Harendra Singh, Resident of
Village- 15 Kings Raod Hawara, Police Station- Golabari, District- Hawra
(West Bengal).

... .. Petitioner/s

Versus

1. The State of Bihar, through Secretary of Excise Department, Bihar at Patna.
2. The Collector-cum-District Magistrate, Jamui
3. The Superintendent of Police, Jamui
4. The Superintendent Excise Prohibition, Jamui
5. S.H.O. Chakai P.S., District- Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate
Mr. Sarvottam Kumar, Advocate

For the Respondent/s : Mr. Vikash Kumar, SC 11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-05-2023

The petitioner is concerned with his vehicle,
which was seized on 21.09.2022. An F.I.R being Chakai PS
Case No. 234 of 2022 was registered on the recovery of
2.160 litres of liquor from the vehicle in-question.

2. Learned Government Advocate submits
that confiscation proceedings already concluded vide order
dated 21.03.2023 in Confiscation Case No. 08 of 2023.

3. 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 Bihar Prohibition and Excise Rules, 2021 (for brevity, ‘the Rules’); as is available under Rule 12B (2) 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 (2) of the Rules.

4. In the above circumstances, considering the minuscule quantity of liquor recovered from the vehicle i.e. Hyundai Creta Four Wheeler, bearing Registration No. WB-20BJ-7400, we are of the opinion that on deposit of Rs. 20,000/- (Twenty Thousand) the vehicle shall be released, if not auctioned, 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 proceeding against the vehicle, on the basis of the instant crime registered.

5. The writ application is, accordingly, disposed of.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	17.05.2023
Transmission Date	

