

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2307 of 2023

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Saroj Devi @ Saroj Yadav W/o Anil Kumar Yadav, Resident of Village-
Ahiyapur (Ratnpura), P.S.- Gopalpur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna.
2. The Commissioner Excise, Government of Bihar, Patna.
3. The Collector cum District Magistrate, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Officer In-Charge, Excise P.S., District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Adv.
For the Respondent/s : Mr. Vivek Prasad (GP7)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-04-2023

Heard learned counsel for the petitioner and learned
counsel for the State.

The writ petition arises under the Bihar Prohibition and
Excise Act, 2016 (hereinafter referred to as 'the Act'). The
petitioner is concerned with his vehicle (Hero Splendor Plus
Motorcycle) bearing Registration No UP-57AS-3424, Engine



No. HA10AGKHC35037, Chassis no MBLHAW091KHC17355, which was seized pursuant to registration of First Informant Report (for brevity 'FIR') bearing Excise (Gopalganj) PS Case No. 365 of 2022, on detection of 8.800 liters of country made liquor in the vehicle.

Confiscation proceeding is said to have not been concluded till date.

In any event, since confiscation proceeding has been commenced, the petitioner is directed to appear before the District Magistrate, Gopalganj (Respondent No.3) on or before 15-05-2023. The petitioner can either seek for confiscation proceeding to be concluded or release of his vehicle under Rule 12A of the Bihar Prohibition and Excise Rules, 2021 (hereinafter referred to as 'the Rules').

If the petitioner makes an application under Rule 12 A of the Rules and the Collector is of the opinion that vehicle can be released on payment of 50% of the insured value, then on payment of such penalty, the vehicle shall be released immediately. If otherwise, the petitioner contest the confiscation proceeding, the same shall be concluded within a period of two (02) months from the date of appearance after affording an opportunity of hearing to the petitioner.



The writ application stands disposed of with the aforesaid observation/directions..

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	
CAV DATE	
Uploading Date	26-04-2023
Transmission Date	

