

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2431 of 2023

Niraj Tiwari S/o Awadhesh Tiwari, Resident of Ward No. - 1, Kasnap, P.O. - Sundipur, P.S. - Kandi, District - Garwha, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar.
2. The Excise Commissioner, Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The District Collector cum District Magistrate, Aurangabad.
5. The Superintendent of Police, Aurangabad.
6. The Station House Officer (S.H.O), Amba Police Station, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Saurav Singh, Advocate
For the Respondent/s : Mr.Kumar Manish (SC5)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-04-2023

The petitioner is concerned with his Hundai Creta Car, bearing Temporary Registration No. T0922JH-9854C, Chassis No. MALPA812LNM342384, Engine No. G4FLNV308566 which was seized on 06-01-2023. An F.I.R being Amba PS Case no. 06 of 2023, dated 06-01-2023 was registered on the recovery of 600 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 detected under Rule 12A of the Rules; as is available under Rule 12B (2). 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.

In the above circumstances, considering the minuscule quantity of liquor recovered from the vehicle, bearing Temporary Registration No. T0922JH-9854C, Chassis No. MALPA812LNM342384, Engine No. G4FLNV308566, we are of the opinion that on deposit of Rs. 20,000/- (Twenty Thousand) the vehicle shall be released within a period of two weeks from the date of receipt/production of a copy of this judgment, subject to the 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.

The writ application is accordingly, disposed of.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

shashank/sumit-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.05.2023
Transmission Date	NA

