

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3216 of 2023

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Mohammad Azhar @ Azhar S/o Mohd. Akhtar Khan, Resident of 31 Bankepur ANO NO 086, P.S.-Sultanpur, District- Sultanpur, U.P., at present -304 Aqsa Apartment, P.S.-Thane, District- dawale, Maharastra, 400612.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition Department, Bihar, Patna.
2. The Additional Chief Secretary, Excise Department, Govt. of Bihar, Patna.
3. The Excise Commissioner, Head Quarter, Bihar, Patna.
4. District Magistrate, Gopalganj.
5. The Superintendent of Police, Gopalganj.
6. The SHO Kuchaikote Police Station, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pritish Ranjan, Adv.
For the Respondent/s : Mr. Vivek Prasad (GP-7)

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

Date : 13-04-2023

The petitioner is concerned with his truck, which was seized on 12-01-2023. An F.I.R being Kuchaikote PS Case no. 19 of 2023, dated 13-01-2023 was registered on the recovery of 600 ML of country made 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 Registration No. UP44AT 5043, Engine No. 81F63706633, Chassis No. MAT541070J1F20821, 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)

Rajkishore/
Shyambihari-

AFR/NAFR	
CAV DATE	
Uploading Date	29.04.2023.
Transmission Date	

