

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4217 of 2023

=====

Jai Singh Rakhecha, Son of Birdhichand Khecha @ Birdhi Chand Rakhecha,
a resident of Hanuman Nagar, West of Pani Tanki, P.s.-Patrakar Nagar,
District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The District Magistrate/Collector, Patna.
3. Deputy Collector Land Reforms, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Superintendent of Police, Patna West.
6. The Excise Superintendent, Patna.
7. The Sub-Divisional Police Officer, Patna West.
8. The Station House Officer, Digha, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Harish Kumar, Advocate
For the Respondent/s : Mr.Kumar Manish, SC 5

=====

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 Hyundai Verna
Car bearing registration No. BR-01FB-4531, which was seized
on 08.11.2022 on an F.I.R being Digha P.S.Case No. 739 of
2022 registered on the recovery of 550 ml foreign liquor from
the vehicle. 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. 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/-, which we compute only considering the very minimal quantity of liquor recovered, the aforesaid vehicle shall be released and there shall be no further confiscation proceedings against the said vehicle.

Writ petition stands disposed of.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	29.04.2023
Transmission Date	

