

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3648 of 2023

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Ali Ahmad Khan, son of Ozair Ahmad Khan, Resident of Village-Chorma,
P.S.-Pakrideyal, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Govt. of Bihar, Patna.
2. The Superintendent of Police, Muzaffarpur.
3. The Officer-in-charge of Sakra Police Station, District-Muzaffarpur.
4. The Sub Inspector of Police of Sakra Police Station, District-Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman, Advocate
For the Respondent/s : Mr. Kumar Manish, SC-5

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

(Per: HONOURABLE THE CHIEF JUSTICE)

4 19-04-2023 The petitioner is concerned with his truck, which

was seized on 19.09.2022, an F.I.R being Sakra P.S.Case No.

477 of 2022 was registered on the recovery of 750 ml foreign

liquor from the truck. No confiscation proceeding has been

initiated but, however, the District Collector has issued a notice

under Rule 12A of the Bihar Prohibition and Excise Rules, 2021

for release of the vehicle on payment of penalty of half the

insured value.

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 truck bearing registration No. BR-06G-6834, 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)

aditya/sujit

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