

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4973 of 2023

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Hari Shankar Singh S/o Late Chandra Deep Singh R/o Village-Aku Chak,
P.O.-Rajdhani, P.S.-Taraiya, District-Saran, Pin-841424.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department Govt.
of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Saran.
3. The Superintendent of Police, Saran.
4. The Sub Divisional Officer, Marhowrah, Saran.
5. The S.H.O. Mashrak Police Station, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ravi Prakash

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 : 10-05-2023

The petitioner is concerned with his vehicle, which was seized on 23-01-2023. An F.I.R being Mashrak PS Case No. 32 of 2023, was registered on the recovery of 1.8 litres of liquor from the vehicle in-question.



2 Learned counsel for the petitioner submits that till date no confiscation proceeding has been initiated.

3 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 is detected, under Rule 12A of Bihar Prohibition and Excise Rules, 2021 (for brevity, *the Rules*); as is available under Rule 12B (2) of the Rules. 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.

4 In the above circumstances, considering the minuscule quantity of liquor recovered from the vehicle, bearing Registration No. BR31N/8477, Chassis No. MA3EHKD1S00732595, Engine No. K12MN1458208 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 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, on the basis of the instant crime registered.



5 The writ application is accordingly, disposed of.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

M.E.H/uttam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12.05.2023
Transmission Date	N/A

