

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.860 of 2023

In
Civil Writ Jurisdiction Case No.639 of 2023

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Sujit Kumar, son of Sri Bindeshwari Prasad Gupta, Resident of Sector-1, Patel Nagar, P.S. Dhurwa, Town and District-Ranchi (Jharkhand), PIN-834004.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Prohibition & Excise, Government of Bihar, New Secretariat, Patna.
2. The Commissioner of Excise, Department of Prohibition & Excise, Government of Bihar, New Secretariat, Patna.
3. The District Magistrate-cum-Collector, Banka.
4. The Superintendent of Police, Banka.
5. The Officer-in-Charge, Chandan Police Station, District-Banka.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Mohan, Advocate

For the Opposite Party/s : Mr.Vivek Prasad (GP-7)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 04-08-2023

1. The petitioner is seeking modification of the order dated 02.02.2023 passed in CWJC No. 639 of 2023 (Annexure-A/2). The said order only directed the release of the vehicle after due identification of ownership of the vehicle and furnishing adequate sureties to the satisfaction of District Magistrate/Confiscating Authority. It was also directed that the petitioner is at liberty to get his/her vehicle released on payment of penalty in terms of Rule 12(A) inserted by amending Bihar Prohibition and Excise Rules, 2021.



2. The Senior Deputy Collector-cum-Prohibition Magistrate, Banka has now passed an order dated 27.02.2023, Annexure-B/1 directing 50 per cent of the amount of the insured value to be paid for release of the vehicle.

3. We find that there is no case for modification. However, we find from the amendment made as on 31.05.2023 to the Bihar Prohibition and Excise Rules, 2021 that the minimum amount of penalty has been reduced from 50% to 10% and the petitioner would be entitled to seek for that even now.

4. If an application is filed under Rule 12A, based on the amended provisions, the appropriate authority shall pass orders positively within two weeks from the date of filing such application, after hearing the petitioner, if the vehicle has not yet been sold.

5. The modification petition is disposed of.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	08.08.2023
Transmission Date	

