

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5294 of 2023

Mr. Mukesh Kumar Singh, Son of Akhileshwar Prasad Singh, Resident of
Village- Choti Marai, P.S.- Hajipur Town, Dist.- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Bihar Prohibition and Excise Act, Govt. of Bihar, Patna.
2. The Collector-cum-District Magistrate, Vaishali at Hajipur.
3. The Senior Superintendent of Police, Vaishali at Hajipur.
4. The Inspector, Prohibition and Excise, Vaishali at Hajipur.
5. The S.H.O., Excise Police Station-cum- Inspector, Prohibition & Excise, Vaishali at Hajipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate
For the Respondent/s : Mr.Vikash Kumar (SC-11)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-06-2023

The present petition has been filed for release of the vehicle (Auto Rickshaw) bearing registration no. BR-31PA-5971, which was seized in connection with Vaishali Prohibition and Excise P.S. Case No. 446 of 2022 dated 30.12.2022. From the said vehicle, 50 litres of liquor is said to have been recovered. The FIR is produced as Annexure-2.

We notice that Rule 12A of the Bihar Prohibition and Excise Rules, has been amended giving discretion to the District Collector to impose a minimum penalty of 10 per cent



of insured value for release of the vehicle, especially considering the non-involvement of the vehicle owner. As such, learned counsel for the petitioner submits that he would approach the District Collector under Rule 12A of the Rules, as amended on 31.05.2023.

In such circumstances, we direct the petitioner to file an application within two weeks and the District Collector on receipt of the same, after hearing the petitioner, shall pass an order within three weeks therefrom.

Writ petition stands disposed of.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

P.K.P./Anushka

AFR/NAFR	
CAV DATE	
Uploading Date	23.06.2023
Transmission Date	

