

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6488 of 2023

=====

Rahul Kumar S/o Shri Krishna Bihari Upadhyay Resident of Mohhalla-
Krishna Nagar, P.S. Hatiya, District- Ranchi (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Old Secretariat, Patna.
2. The Principal Secretary, Department of Excise Bihar, Patna.
3. The District Collector, Aurangabad, District- Aurangabad.
4. The Superintendent of Police, Aurangabad, District- Aurangabad.
5. The S.H.O. Amba Police Station, Aurangabad, District- Aurangabad.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Ms.Nitu Kumari

For the Respondent/s : Mr.Kumar Manish (SC5)

=====

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 14.06.2022. An F.I.R being Amba PS Case No. 120 of 2022, was registered on the recovery of 2.250 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. JH01DY-0712, Chassis No. MDHFBACD0L7413442, Engine No. YC112112268R, 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)

M.E.H/uttam/-

(Madhuresh Prasad, J)

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

