

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6504 of 2023

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Suryakala Devi W/o- Arun Kumar Bhandari R/o- Village- Bhalni, P.O.-
Haripur dih Tol Kormauli, P.S.- Kaluahi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Principal Secretary, Excise Department, Government of Bihar, Patna.
3. The Collector (District Magistrate), Darbhanga.
4. The Superintendent of Police, Darbhanga.
5. The Excise Superintendent of Police, Darbhanga.
6. The Excise Inspector, Darbhanga.
7. The Officer in-Charge, P.S.- Nagar, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Paswan, Advocate
For the Respondent/s : Mr. Vivek Prasad, GP-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-05-2023

The petitioner is concerned with his vehicle,
which was seized on 20.12.2022. An F.I.R being Nagar PS
Case No. 374 of 2022 was registered on the recovery of 180
ml of liquor from the vehicle in-question.

2. Learned Government Advocate submits that
confiscation proceedings has already been initiated in
Confiscation Case No. 58 of 2023.

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 i.e. Alto Car bearing Registration No. BR-06DB-1709, 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)

aditya/sujit

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	19.05.2023.
Transmission Date	

