

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6529 of 2023

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Rabina Kumari @ Rabna Kumari W/o - Rohit Raj, Resident of Village -
Rajepur, P.S. - Sahebganj, District – Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Prohibition and Registration, Bihar Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur.
5. The S.H.O of Kanti P.S. Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, Advocate
For the Respondent/s : Mr.Kumar Manish, SC 25

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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

Heard learned counsel for the petitioner and
learned counsel for the State.

2. The petitioner is concerned with his vehicle Alto Car bearing Registration No. BR06CT-0159. The vehicle was intercepted and detained on recovery of 250.560 litres of foreign liquor. An F.I.R. was registered as Kanti P.S. Case No. 578 of 2022 on 24.08.2022.

3. Learned Government Advocate submits that



confiscation case No. 314/2022-233 has been initiated and it is pending before Senior Deputy Collector (Revenue), Muzaffarpur.

4. In such circumstances, the petitioner will have to appear before Senior Deputy Collector (Revenue), Muzaffarpur, who is *suo motu* impleaded as the additional 6th respondent herein. If the petitioner so desires, he can file an application under Rule 12A of the Bihar Prohibition and Excise Rules, 2021 upon which, the Authority would have to necessarily examine, whether the release would jeopardize public interest or not, as has been provided under the Rule. If he finds that, it would not, then the determination of the insured value of the vehicle shall be carried out and the penalty shall be directed to be paid. If the vehicle is found to be enabled for release and the penalty is paid, then the release shall be made as expeditiously as possible.

5. We make it very clear that we have not made any observation on merits and it is for the Senior Deputy Collector (Revenue), Muzaffarpur, 6th respondent, to consider the issue exercising the discretion conferred



judiciously.

6. The writ petition is disposed of with the
aforesaid observations/directions.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

aditya/sujit

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

