

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7037 of 2023

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Guddi Devi Wife of Vinay Singh, Resident of Village-Bishunpur Piprahai,
P.O.-Bhatha, Sonaho, P.S.-Amnour, District-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Bihar, Patna.
2. The District Magistrate, Saran (Chapra).
3. The District Superintendent of Police, Saran (Chapra).
4. The Station House Officer, P.S.-Bheldi, District-Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Adv.

For the Respondent/s : Mr.Kumar Manish (SC 5)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-05-2023

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

The petitioner is concerned with his vehicle
(MAHINDRA & MAHINDRA LIMITED/ BOLERO PIK-UP
FB PS 1.3T) bearing Registration No. BR01GL9475, Chassis
No. MA1ZN2TNKM1M83908, Engine No. TNM1M94254.
The vehicle was intercepted and detained on recovery of
1174.680 litres of IMFL. An F.I.R. was registered as Bheldi



P.S. Case No. 52 of 2023 on 21.02.2023. In fact, there were three vehicles intercepted together and a total of 4520 litres of illicit liquor was recovered.

Learned Government Advocate submits that confiscation case No. 107/2023 has been initiated and it is pending before Deputy Collector Land Reforms, Marhowrah.

In such circumstances, the petitioner will have to appear before Deputy Collector Land Reforms, Marhowrah who is *suo motu* impleaded as the additional 5th 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.

We make it very clear that we have not made any observation on merits and it is for the Deputy Collector, 5th respondent, to consider the issue exercising the discretion



conferred judiciously.

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

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Raj kishore/
Shyam Bihari/--

AFR/NAFR	
CAV DATE	
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