

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8316 of 2023

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Rajeev Ranjan Singh @ Rajiva Ranjan Singh, Son of Radha Krishna Singh,
Resident of Village- Rasulpur, P.S. Dumra, District- Sitamarhi. At present
Resident of Vishwanathpur Tarachand Nagar, P.S. Dumra, District- Sitamarhi.
... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The District Magistrate, East Champaran, Motihari.
3. The Superintendent of Police, East Champaran, Motihari.
4. The Officer-in-Charge, Keshariya Police Station, District East Champaran,
Motihari.
5. The District Excise Superintendent, East Champaran, Motihari.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-06-2023

The petitioner is aggrieved with the seizure of his
motorcycle bearing registration no. BR-30F-9469. The
petitioner contends that in fact the motorcycle was stolen and an
F.I.R. was registered on 17.05.2022 which is produced as
Annexure-2. The petitioner's vehicle was seized from another
person on recovery of 05 litres of country made liquor.

2. The learned Government Advocate also, from
the F.I.R., admits that it was another person who was driving the
motorcycle at the time of seizure, who was made the accused.



3. 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 % 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.

4. 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.

5. Writ petition stands disposed of.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

aditya/sujit

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	22.06.2023.
Transmission Date	

