

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16300 of 2022

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Suman Devi, Gender-Female, aged about 48 years, Wife of Anuj Singh
Resident of Village- Gopalpur, Harpur Tengrahi, P.S.- Mohammadpur,
District- Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Excise Commissioner, Bihar, Patna.
4. The Inspector General of Police, Bihar, Patna.
5. The District Magistrate/Collector, Gopalganj.
6. The Superintendent of Police, Gopalganj.
7. The Excise Superintendent of Police, District- Gopalganj.
8. The Officer-in-Charge of Kuchaikote Police Station, District- Gopalganj.
9. The Investigating Officer of Kuchaikote P.S. Case No. 16/2022 dated-
13.01.2022, Kuchaikote Police Station, District- Gopalganj.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Javed Aslam, Adv.
For the State	:	Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

Date : 13-04-2023

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

The writ petition arises under the Bihar Prohibition and



Excise (Amendment) Act, 2018 (hereinafter referred to as 'the Act'). The Maruti Baleno Vehicle was detained in connection with Kuchaikote P. S case No. 16 of 2022 dated, 13.01.2022, for the offences under Sections 30(a) the Act with 42.600 litres of foreign liquor.

Petitioner is the *bona fide* owner of the Maruti Baleno vehicle in-question.

Learned counsel for the petitioner submits that he is ready to pay the penalty as prescribed under Rule 12A of the Bihar Prohibition and Excise Rules, 2021.

The learned counsel for the State submits that confiscation proceeding has been concluded and notice has been issued under Section 12A of the Rule.

The petitioner now seeks for release of the vehicle bearing Registration No. BR01EY-2375, Engine No. K12MP4101852, Chassis No. MBHEWB22SLK560230, on payment of 50% of the insured value, as has been provided under Rule- 12A of the Bihar Prohibition & Excise Rules.

In the above circumstances, the Confiscating Authority i.e., the District Magistrate/Collector, Gopalganj (Respondent No. 5), would decide whether in public interest it would be expedient to release the vehicle. If it is decided that the vehicle



be released then the the District Magistrate/Collector, Gopalganj (Respondent No. 5) shall determine the insured value of the Maruti Baleno Vehicle in-question and release the same on deposit of the penalty amount; which exercise shall be concluded, at any rate within a month of the date of receipt of a certified copy of this judgment.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

rajkishore/-

AFR/NAFR	
CAV DATE	
Uploading Date	24-04-2023
Transmission Date	

