

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 1557 of 2023

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Sujit Kumar S/o Ramji Mahto Resident of Ward no.-7, Semra, P.O.- Semra,
P.S.- Chiraiya, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar.
2. The Excise Commissioner, Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The District Collector cum District Magistrate, East Champaran.
5. The Superintendent of Police, East Champaran.
6. Station House Officer, Patahi Police Station, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Samir Kumar, Advocate

For the Respondent/s : Mr Kumar Manish, SC V

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE MADHURESH PRASAD)

Date : 12-04-2023

The petitioner is concerned with his Hero Splendor Motorcycle, which was seized on 13-09-2022. An F.I.R being Patahi PS Case No. 193 of 2022, dated 13-09-2022 was registered on the recovery of one litre of country made liquor from the vehicle in-question.



2 Learned counsel for the petitioner submits that till date no confiscation proceeding has been initiated.

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, bearing Registration No. BR05AU8798, Chassis No. MBLHAW174NH-F01161, 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)

M.E.H/uttam/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

