

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10791 of 2024

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Shila Devi, W/o Madan Saw, R/o Village- Telwari, Post- Kothi, P.S.-
Imamganj, District- Gaya.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Bihar Prohibition and Excise Department, Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Superintendent of Excise, Gaya.
4. The Superintendent of Police, Gaya.
5. The Officer in charge, Kothi Police Station, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Advocate
For the Respondent/s : Mr.Standing Counsel 23

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 22-07-2024

In the instant petition, petitioner has prayed for the
following reliefs:-

*“(i) To issue an appropriate order/s,
direction/s including a writ preferably in nature of
Mandamus commanding the respondents to release
the vehicle/Mahindra Scorpio bearing Registration
No. BR03-PA-9905, Chassis No.
MA1TA2XM2L2J38035, Engine No. XML4J13982
in favour of the petitioner who is owner of the said*



vehicle seized in Kothi P.S. Case No. 25 of 2024 registered under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018 lying in the premises of Police station and subject to natural decay by furnishing sufficient penalty to the satisfaction of learned District Magistrate, Gaya.

(ii) Any other relief/s to which the petitioner is entitled in the facts and circumstances of the case.”

2. Ordinarily, this Court will direct the petitioner to invoke remedy under Rule 12A of Bihar Prohibition and Excise Rules, 2021, including amended provisions in the year 2022 and 2023, however, it is a very strange case, where the subject matter of vehicle has been seized on account of carrying 03 bottles of Beer of 650 ML each total 1.950 liter. Therefore, seizure of the vehicle from 03.04.2024 and even to this day would be too harsh. Therefore, instead of relegating the petitioner to invoke Rule 12A of Bihar Prohibition and Excise Rules, 2021, including amended provisions in the year 2022 and 2023, we invoke extraordinary jurisdiction under Article 226 of the Constitution and proceed to pass the following order:-

(i) The concerned Respondent is hereby directed to



release the subject matter of vehicle within a period of one week after collecting fine of Rs. 5,000/- (Rs. Five Thousand).

3. With the above observation, the present C.W.J.C. No. 10791 of 2024 stands disposed of.

(P. B. Bajanthri, J)

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.07.2024
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