

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12625 of 2024

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Neha Devi W/o Shrikant Yadav, R/o village Bhendiya Rani Sagar, P.S.
Isahpur, District - Bhojpur at Ara (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Excise Commissioner, Bihar, Patna.
2. The District Magistrate-Cum-Collector, Rohtas at Sasaram.
3. The Superintendent of Police Rohtas at Sasaram.
4. The Officer-In-Charge Dinara Police Station along with the Officer-in-Charge Bhanas O.P. District Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjit Kumar, Advocate
For the Respondent/s : Mr.Standing Counsel (8)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 31-08-2024

In the instant petition, petitioner has prayed for
the following relief(s):-

*(I) For issuance of appropriate
Writ(s) direction(s) / order(s) in the nature of
Mandamus for Commanding the respondents to
release the Mahindra Scropio bearing Reg. No BR-
03A-J6572 Chasis No. MATTA2XM2N2B22177
Engine No. / Motor Number – XMN4A14578,
Seized by the Respondents in Connection with
Dinara Police Station (Bhanas O.P.) case no. 158 /
2024 registered on 15.4.2024 U/S -30(a) of the
Bihar Prohibition and Excise Amendment Act
-2018 in favour of the petitioner.*

*(II) Any other relief(s) for which the
petitioner may found entitled by this Hon'ble
Court.*



2. From the perusal of seizure list, it is evident that 500 ml of English liquor was seized. Resultantly, vehicle has been seized.

3. Having regard to the small quantity of liquor, the concerned authority is hereby directed to collect fine of Rs. 5,000/- and release the subject matter of vehicle within a period of one week from the date of receipt of this order.

4. The aforementioned order has been passed while invoking extra ordinary jurisdiction under Article 226 of the Constitution of India for the reasons that unnecessarily petitioner shall not be subjected to various proceedings like Rule of 12A of the Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12A in the year 2022 and 2023, Section 58, 92 and 93 of the Bihar Prohibition and Excise Act, 2016, for a trivial issue.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.09.2024.
Transmission Date	N/A

