

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17126 of 2024

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Rohit Kumar Son of Lalan Das, Resident of village- Mauje, Ward No. 20,
Police Station - Raxaul, District- East Champaran, Bihar 845305.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Advocate
For the Respondent/s	:	Mr. Sushil Kumar, G.P-22
		Mr. K.K Singh A/C To G.P-22

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 19-11-2024

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

*i. For issuance of an appropriate writ/s,
order/s, directing the respondents concern to
release the vehicle i.e. Honda S.P. 125 CC
Motorcycle bearing Registration No. BR05-
AK-9686, Chesis No.
ME4JC833ALG003663, Engine No.
JC83EG0033354 in favour of the petitioner
as the late father of the petitioner is*



registered owner of the said vehicle which has been seized in connection with Excise Motihari Police Station Case No. 1345 of 2024 dated 15.08.2024 registered under sections 30(a) of the Bihar Prohibition and Excise Act.

ii. To grant any other relief(s) for which the petitioner is found to be entitled in the facts and circumstances of this case.

2. Briefly stated the facts of the case is that there is alleged recovery of 900 ML of country made liquor from Motorcycle of the petitioner bearing Registration No. BR05-AK-9686. On the basis of aforesaid fact, FIR No. 1345 of 2024 dated 15.08.2024. was registered in Excise Motihari P.S under Section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. Learned counsel for the petitioner submitted that late father of the petitioner is the registered owner of the seized motorcycle. The petitioner is not liable for the alleged recovery and



seizure list has been made without following the rule of search. From the perusal of seizure list, it is evident that there is recovery of a meager quantity of 900 ml. of illicit liquor from motorcycle in question. Resultantly, motorcycle has been seized.

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

5. We are conscious of the fact that alleged recovery is meager quantity and the aforesaid 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, Sections 58, 92 and 93 of the Bihar Prohibition and Excise Act, 2016, for a trivial issue of 900 ml. of



liquor and the above direction is required to prevent the multiplicity of proceedings and in the interest of justice.

6. Accordingly C.W.J.C No. 17126 of 2024 stands disposed off.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

Mayank/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	25.11.2024
Transmission Date	

