

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17609 of 2024

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Sakuntla Devi @ Shakuntla Devi W/o Santosh Kumar Singh, Resident of
Village- Chak Jalaluddin Latrahiya, P.S.- Parsa, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary, Prohibition, Excise and Registration
Department, Govt. of Bihar, Patna.
3. The District Magistrate cum Collector, Saran at Chapra.
4. The Excise Superintendent, Saran at Chapra.
5. The Superintendent of Police, Saran at Chapra.
6. The Officer in Charge Police Station Parsa, District-Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma
For the Respondent/s : Mr. Rajesh Kumar Sinha, AC to GP 23

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
And
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. B. PD. SINGH)

Date : 26-11-2024

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

*“(i) For issuance of
appropriate order, direction to the
respondent authority directed to release
BALENO ZETA MARUTI car bearing
Reg. No. BR-01-HM-8509, Chassis No.
MBHHWB13SPM632337, Engine No.
K12NP4385692 which was seized in*

connection with Parsa P.S. Case No. 274 of 2024.

(ii) For grant of any other relief or reliefs to which the petitioner may be found to be entitled to in the facts and circumstances of this case.”

2. Briefly stated the facts of the case is that there is alleged recovery of 1.5 litres of Indian made foreign liquor four wheeler vehicle bearing Registration No. BR-01-HM-8509. On the basis of aforesaid fact, Parsa P.S. Case No. 274 of 2024 dated 22.08.2024 was registered under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Learned counsel for the petitioner submitted that petitioner is the owner of the seized car and he has no concern with the seized Indian made Foreign liquor. The petitioner was not apprehended from the spot. The seizure list has also been made without following the rule of search. From perusal of the F.I.R as well as seizure list, it is apparent that a meager quantity of 1.5 litres of illicit Indian made Foreign liquor was recovered from the

vehicle and the driver was not apprehended from the spot. The petitioner has been made accused only because he is owner of the seized vehicle. The petitioner further submits that till date, he has no information regarding any confiscation proceeding pending against him nor he has received any notice in this regard.

4. Considering the seizure of small quantity of liquor, the concerned authority is hereby directed to collect fine of Rs.10,000/- and release the subject matter of vehicle 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 1.5 litres of Indian made Foreign liquor and such order is required to prevent the multiplicity of proceeding in the interest of justice.

6. Accordingly, the writ petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	11/12/2024
Transmission Date	N/A