

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2367 of 2025

Navneet Kumar S/o - Pramod Kumar Singh, R/o Flat No. 104, Badal Mansion Apartment, In front of A- 80, Near Tiwari Behcar Petrol Pump, Knakarbagh, P.S. - Kankarbagh, District - Patna, Bihar - 800020.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Superintendent of Police, Patna, District- Patna.
4. The Officer in Charge, P.S. - Kadamkuan, District - Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rounak Sinha, Advocate.
For the Respondent/s : Mr. Standing Counsel-21.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
C.A.V. JUDGMENT
(Per: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA)

Date : 05-03-2025

Heard both the parties.

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

(i) For issuance of an appropriate writ(s), order(s), directing the concerned Respondents to release the vehicle i.e., Hyundai i20 Car bearing Registration No. BR01EK1661, Chassis No. MALBM51BLKM724312, Engine No. G4LAKM362939, in favour of the petitioner, which has been seized in Kadamkuan P.S. Case 965/24 registered under Section 30(a) of the Bihar Prohibition (Amendment) Act, 2022.

(ii) For issuance of an appropriate writ(s), order(s), or direction(s), directing the Respondents



to compensate the petitioner for the financial loss, harassment, and inconvenience caused by the unlawful seizure and prolonged detention of the vehicle.

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

(iv) pass any other order(s) or direction(s) that this Hon'ble Court may deem fit and proper in the interest of justice.

3. As per the prosecution case, there is alleged recovery of 360 ml. tetra pack of illicit liquor from the Hyundai Car bearing Registration No. BR01EK1661, Chassis No. MALBM51BLKM724312, Engine No. G4LAKM362939 from the driver seat. On the basis of the aforesaid facts, F.I.R. bearing Kadamkuan P.S. Case No.965 of 2024 dated 22.12.2024 was registered under Section 30 (a) of Bihar Prohibition and Excise Act (as amended) and the said vehicle was seized.

4. Learned counsel for the petitioner submitted that the petitioner is the owner of vehicle in question who was neither driving nor involved in the alleged offence. The vehicle in question was not used for transportation of illicit liquor for commercial purpose and not involved in commission of the offence under the Bihar Prohibition and Excise Act. The seizure of the vehicle in question is arbitrary and the twin pre-requisite for seizure and confiscation of vehicle under the Act i.e. use of



vehicle in carrying/ transporting the liquor or intoxicant and consent or connivance of the owner of the vehicle in commission of offence are not fulfilled. The seizure of the vehicle has been done without fulfilling the statutory prerequisite. It is further submitted that the vehicle in question is lying unused and exposed to deterioration due to prolonged detention and inactivity, lack of maintenance and absence of proper shed or shelter resulting in irreparable damage and loss to the petitioner.

5. Learned counsel for the State submitted that the petitioner is also one of the accused who was sitting in the seized car and is liable for penalty in order to release the vehicle in question.

6. Considering the recovery of small quantity of liquor, the concerned authority is hereby directed to release the vehicle in question on deposit of fine of Rs.5,000/- within four weeks from the date of receipt of this order.

7. 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 as amended in the year 2022 and 2023, Sections 58, 92 and 93 of the Act, for a trivial issue of 360 ml. of illicit liquor and the above direction is required to prevent the multiplicity of proceedings and in the interest of justice.

8. Accordingly C.W.J.C No.2367 of 2025 stands disposed off.

(Sunil Dutta Mishra, J)

I agree
P. B. Bajanthri, J

(P. B. Bajanthri, J)

ritik/-

AFR/NAFR	NAFR
CAV DATE	24.02.2025
Uploading Date	05.03.2025
Transmission Date	NA

