

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4096 of 2022**

Mahendra Prasad Son of Deglal Prasad Resident of Maheshpur, tara Tand,  
P.S. Domchanch, District Kodarma Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Bihar Prohibition and Excise, Patna.
2. Additional Chief secretary Bihar, Patna.
3. The Commissioner Excise, Patna.
4. The District Magistrate Cum Collector, Patna.
5. The Senior Deputy Collector, Patna.
6. The Senior Superintendent of Police, Patna.
7. The Superintendent of Excise, Patna.
8. The Sub Divisional Officer, Patna City.
9. The Sub Divisional Officer, Excise, Patna, City.
10. The S.H.O. Daniyawan Police, Station, District Patna.

... .. Respondent/s

**Appearance :**

|                      |   |                                |
|----------------------|---|--------------------------------|
| For the Petitioner/s | : | Mr. Anil Kumar Saxena          |
| For the Respondent/s | : | Mr. Kumar Manish (SC 5)        |
|                      |   | Mr. Kumar Pankaj, (AC to SC 5) |

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

**Date : 07-07-2025**

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

(i) This Writ Application is being filed for  
issuance of Writ in the nature of certiorari quashing/set



aside the order dated 12/10/20 passed in confiscation case no. 454/2020-21 by the court of Senior Deputy Collector, Patna where under the confiscation case was dismissed and appellate order dated 1/02/2021 passed by excise Commissioner, Bihar, Patna in excise appeal No. 199/20 dismissed as well as Revision order dated 26/10/21 passed by Additional chief secretary, Bihar, Patna in Excise Revision no. 136/21 under which the Revision application has been rejected an order dated 12/10/20 and order dated 1/02/21 have been confirmed and directed both order do not suffer from any illegality.

2. Petitioner's vehicle(Truck) bearing Reg. No. JH-12K-0758 was intercepted on 21.02.2020 and registered F.I.R. as Dhaniyawan P.S. Case No. 37 of 2020 for the offences under Section 30(a) of Bihar Prohibition Amendment Act, 2018 against the petitioner on the allegation that he was in possession of 1.5 litres of illicit foreign liquor. The vehicle was seized and subjected to confiscation proceedings. Vehicle was confiscated and the concerned authority proceeded to auction the subject matter of vehicle after realizing an amount of Rs. 22,70,000/- (twenty two lakh seventy thousand rupees) in the auction proceedings. It is undisputed that the subject matter of vehicle was insured for the period from 11.10.2019 to 10.10.2020. The



Offence is dated 21.02.2020. Perusal of the insurance policy it is evident that vehicle worth about Rs. 28,80,000/- (twenty eight lakh eighty thousand rupees).

3. Having regard to these facts and circumstances, imposition of fine of Rs. 22,70,000/- in the form of auctioning the subject matter of vehicle for recovery of 1.5 litre from the subject matter of vehicle would be too harsh, arbitrary and illegal. Therefore, the petitioner has made out a *prima facie* case so as to interfere with the action of the respondent to the extent of imposition of fine of Rs. 50,000/- (fifty thousand rupees) on account of the alleged allegation of 1.5 litres of illicit foreign liquor was seized from the subject matter of vehicle. The remaining amount of Rs. 28,30,000/- (twenty eight lakh thirty thousand rupees) shall be paid to the petitioner irrespective of realization of auction proceedings to the sum of Rs. 22,70,000/- (twenty two lakh seventy thousand rupees). The calculation is required to be undertaken with reference to value of the vehicle with reference to insurance policy that is Rs. 28,80,000/- (twenty eight lakh eighty thousand rupees).



4. Consequently, the concerned respondents are hereby directed to pay sum of Rs. 28,30,000/- (twenty eight lakh thirty thousand rupees) in favour of the petitioner after due verification of his identification in the form of Pay Order or demand draft within a period of 03 months from the date of receipt of this order, failing which, the petitioner is entitled to litigation cost and it is quantified as Rs. 10,000/- (ten thousand rupees) .

5. Accordingly, the present CWJC No. 4096 of 2022 stands disposed of.

**(P. B. Bajanthri, J)**

**( S. B. Pd. Singh, J)**

Nirajkrs/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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