

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5517 of 2025

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Nilmani, son of Ashok Kumar Singh, resident of Mohalla - SaketPuri, Road
No. 3, Bhagwanpur Chowk, P.S. - Bhagwanpur, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar.
2. The Excise Commissioner, Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The District Collector cum District Magistrate, Motihari, East Champaran.
5. The Superintendent of Police, Motihari, East Champaran.
6. The Station House Officer (S.H.O), Chiraiya Police Station, Motihari, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Samir Kumar
For the Respondent/s : Mr.Standing Counsel (06)

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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 : 06-05-2025

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

*“a. For issuance of writ in the nature of
mandamus directing to release the Honda
WR-V vehicle of the petitioner bearing
Registration no. BR06BL0113 which has been
seized in connection with Chiraiya P.S. case
No. 474/2024 dated 20.11.2024 registered u/s
126(2), 115(2), 352, 3(5) of B.N.S and 30 (a)*

of Bihar Prohibition & Excise Amendment Act.

b. Any other relief or reliefs to which the petitioner is found entitled to in the facts and circumstances of the case.

2. Briefly stated the facts of the case is that there is alleged recovery of 2.70 litres of illicit liquor from the four wheeler of the petitioner. On the basis of aforesaid fact, Chiraiya P.S. Case No. 274 of 2024 dated 20.11.2024 was registered 126(2), 115(2), 352, 3(5) of B.N.S and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioner submitted that petitioner is the owner of the seized vehicle and he has no concern with the seized illicit liquor. The petitioner is the bona fide owner of the seized vehicle. The father-in-law of the petitioner has filed written application to the police alleging that driver of the vehicle was assaulted and the vehicle was snatched by some drunken people near the middle school of the village. It is further submitted that after 10-12 days of the incident, a video went viral in which

it was clearly shown how the police, with the help of some locals were loading liquor into the vehicle and a white colored care is seen in the video. The seizure list has also been made without following the rule of search. It is further submitted that till date, no notice of initiation of confiscation proceeding has been received by the petitioner.

4. Considering the small quantity of liquor, the concerned authority is hereby directed to collect fine of Rs. 15,000/-(Fifteen Thousands) and release the subject matter of vehicle within a period of one week from the date of receipt of this order for which petitioner has no objection.

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 issue of 2.7 litres of illicit 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.

(S. B. Pd. Singh, J)

(P. B. Bajanthri, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	15/05/2025
Transmission Date	N/A