

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5367 of 2025

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Mohd Shehzad S/o Mohd Arifeen, R/o- H No. D-5 Loard Krishna Road
Adarsh Nagar, P.S. - Adarsh Nagar, District- Delhi.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Excise and Prohibition Department
Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Gopalganj, Bihar.
4. The Superintendent of Police, Gopalganj, Bihar.
5. The Superintendent of Excise, Gopalganj, Bihar.
6. The SHO, Excise Police Station, Hathua, Dist- Gopalganj, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sudhanshu Prakash
For the Respondent/s	:	Mr.Government Pleader (14)

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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):-

*“i. For issuance of a writ of Mandamus
or any other appropriate order/orders,
direction/directions directing the respondents
to release the vehicle of the petitioner which is
BREZZA SMART HYBRID VXi, having
Registration No- DL-5-CU-9947, Engine No.-
K15CN9220209 and Chassis No.-*

MA3RYHL1SPC226431 which has been seized by the State officials under the Hathua P.S. Case No. 299 of 2024 u/s 30(a) of the Bihar Prohibition and Excise (amendment) Act, 2018;

ii. For direction may be given for disposal of present case in light of the Hon'ble Patna High Court's decision in Sunaina Vs State of Bihar (CWJC No.7920/2023).

iii. For any other order/orders, relief/reliefs for which the petitioner may be entitled in the eyes of law.”

2. Briefly stated the facts of the case is that there is alleged recovery of 444 litres of illicit liquor from the boot-space of the vehicle. One Deepak was apprehended while Narayan Yadav managed to escape from the scene. On the basis of aforesaid fact, Hathua P.S. Case No. 299 of 2024 dated 22.12.2024 was registered under Sections 30(a), 41(1) 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

willfully leased out his car through an internet-based platform named Zoomcar to the accused persons upon execution of lease agreement. The accused in contravention of the terms of the lease agreement, deliberately misused the vehicle for illegal transportation of liquor in the State of Bihar. It is further submitted that till date, no notice of initiation of confiscation proceeding has been received by the petitioner.

4. Considering the fact that huge quantity of liquor was seized from the vehicle registered in the name of the petitioner, the concerned authority is hereby directed to collect fine of Rs.5,000,00/-(Five Lakhs) which is the maximum fine under law and release the subject matter of vehicle within a period of one week from the date of receipt of this order and petitioner has no objection to pay the aforementioned fine.

5. We are conscious of the fact that 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, 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