

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8908 of 2025

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Sunil Paswan S/o Shyam Sundar Paswan, R/o- Dumari Swargi Patti, P.S.-
Hata, District- Kushinagar (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Prohibition and Excise Department, Government of Bihar, Patna.
2. Excise Commissioner, Prohibition and Excise Department, New Secretariat, Patna, Bihar.
3. The District Magistrate-cum-Collector, Gopalganj.
4. In-charge Senior Deputy Collector, District Legal Section Collectorate, Gopalganj.
5. The Excise Superintendent of Police, Gopalganj.
6. The Officer In-Charge, Excise Police Station, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Natraj Verma, Advocate
For the Respondent/s	:	Mr. M. N. H. Khan, SC-1
		Ms. Babita Kumari, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

3 20-08-2025 In the instant petition, petitioner has prayed for the
following reliefs:-

*“ i) For issuance of an appropriate writ
in the nature of Mandamus seeking direction to
respondents to release of BREEZA Car bearing
Registration No.- UP-57AX-0502, which was seized
by the police in Excise P.S. Case No.884 of 2023
(Gopalganj).*

ii) For issuance of appropriate writ to



set aside order dated 19.11.2024 passed by Excise Commissioner, Prohibition and Excise Department (Respondent No.2) in Excise Appeal Case No.71 of 2024 and order dated 20.12.2023 passed Collector, Gopalganj as contained in Letter issued by in-charge Officer District Legal Section, Gopalganj by which the Petitioner was directed to deposit Rs. 5 Lakhs for release of his vehicle.

iii) For issuance of an appropriate writ of Mandamus or any other appropriate writ(s) or order(s) or direction(s) directing the Respondents to pay litigation cost of Rs.50,000/ (Rupees Fifty Thousand Only) to the Petitioner.

AND/OR

iv) For issuance of any other relief/reliefs as your Lordships may deem fit and proper for ends of justice.”

2. Petitioner's vehicle bearing No. Up-57 AX- 0502 was involved for the offences under the Excise Act 30 (a) of the Bihar Prohibition and Excise Act in the P.S. Case No. 884 of 2023 (Gopalganj). The concerned officials have seized 129 liters of foreign liquor. Thereafter, petitioner's vehicle was subjected to confiscation proceedings resulted in confiscation of the vehicle with an alternative penalty of Rs. 5,00,000/- (Rupees Five Lakh). In other words, if petitioner deposits a sum of Rs. 5,00,000/-, in that event vehicle would be released. Learned counsel for the petitioner submitted that the insurance value of



the subject vehicle is Rs. 5,85,139/-. It is submitted that the present case is the first offence under the Excise Act on behalf the petitioner or through his agent, therefore, imposition of penalty of Rs. 5,00,000/- would be too harsh.

3. Per contra, learned counsel for the respondent resisted the afore-mentioned contention and submitted that there is no infirmity in the impugned action of the respondents in the confiscation and appellate authority's order, hence, no interference is called for.

4. Heard the learned counsels for the respective parties. Having regard to the fact that the petitioner's vehicle was involved for the offences under the Excise Act in respect of seizure of 129 liters of foreign liquor when it was driven by the petitioner's agent/friend/relative, therefore, petitioner being the owner of the vehicle should not be penalized with the huge amount of Rs. 5,00,000/- for the offences under the Excise Act. It is also submitted that this is the first offence under the Excise Act. Taking note of these facts and material information, we proceed to modify the orders of the official respondent insofar as directing the petitioner to deposit Rs. 5,00,000/- for release of the subject matter of vehicle to that of Rs. 4,00,000/-. In the event of depositing Rs. 4,00,000/- (Rupees Four Lakh) on behalf



of the petitioner, the concerned official respondents are hereby directed to release the subject matter of vehicle in favour of the petitioner. The above exercise shall be completed within a period of four weeks, failing which, the respondents are at liberty to invoke further proceedings insofar as auctioning the subject matter of vehicle and realizing the auctioned amount in favour of the State Government.

5. With above observation, writ petition stands disposed of.

(P. B. Bajanthri, J)

(Shailendra Singh, J)

Maynaz/Rajiv-

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