

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6537 of 2025

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Ramdular Yadav @ Ram Dular Yadav Son of Jaishri Yadav, R/o Village Bahura Godam, Gorry, P.S. Khanpur, District Ghazipur (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner Excise Department, State of Bihar, Patna.
2. The Director General of Police, Bihar Patna.
3. The Collector cum District Magistrate, Kaimur at Bhabua.
4. Superintendent of Police, Kaimur at Bhabua.
5. Superintendent of Excise Prohibition, Kaimur at Bhabua.
6. Sub-divisional Magistrate, Bhabua (Kaimur).
7. Inspector of Excise Police Station, Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan
For the Respondent/s : Mr. Government Advocate (2)

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

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

2 01-05-2025 In the instant petition, petitioner has prayed for the following relief:-

“For issuance of writ in nature of mandamus or any appropriate writ/writs, order and direction to direct the respondent authorities to released the vehicle Tata Pick Up bearing registration no. UP65NT-7107 belonging to this petitioner, which has been illegally, seized in connection with Excise P.S. (Bhabhua) case No. 144 of 2025 for the offence alleged under Section 30(a), 32(i) (iii), 37, 41(i) & (ii) of the Bihar Prohibition



& Excise Act, for the recovery of a open bottle of liquor containing 650 ml, liquor from the aforesaid vehicle.”

2. Having regard to the seizure of liquor to the extent of 650 ml. from the Tata Pick-up vehicle bearing registration no. UP65NT-7107 of the petitioner. Seizure of the alleged vehicle would be harsh. That apart having regard to the meagre recovery of 650 ml., the petitioner shall not be subjected to confiscation proceedings, appeal, revision and once again before this Court. To avoid these multiple litigations, today we have specifically asked the learned counsel for the petitioner to secure instructions, whether petitioner is prepared to pay a fine of Rs. 10,000/- to avoid the aforementioned multiple litigations or not? He had clear instructions that the present petition could be disposed of while imposing penalty of Rs. 10,000/-.

3. In identical matters, we have taken a decision insofar as recovery of smaller quantity, we proposed to impose certain penalty and close the file instead of respective parties facing number of proceedings/litigations. While invoking extraordinary jurisdiction under Article 226 of the Constitution of India, we propose to impose penalty of Rs. 10,000/- for the offences under the Bihar Prohibition and Excise Act, 2016 (Amendment) alleged to have been committed by the petitioner.



4. It is appropriate to impose penalty of Rs. 10,000/- on the petitioner. The penalty amount shall be remitted in the concerned Treasury and apprise the concerned Authority for the purpose of release of the seized Tata Pick-up vehicle. The above exercise shall be completed within a period of four days from the date of receipt of this order.

5. With the above observations, the present CWJC No. 6537 of 2025 stands disposed of

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Ankit Kumar/-

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