

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7361 of 2025

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Chmeli Singh W/o Jabbar Singh R/o- Pharenda/Bujurg, Pharenda, P.O.-
Anandnagar, District- Maharajganj, Uttar Pradesh- 273155.

... .. 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 Additional Collector, Disaster Management, Gopalganj.
5. The Superintendent of Police, Gopalganj, Bihar.
6. The Superintendent of Excise, Gopalganj, Bihar.
7. The S.H.O., Uchkagaon, Gopalganj, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sudhanshu Prakash
For the Respondent/s : Mr.Addl. Advocate General (05)

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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 P. B. BAJANTHRI)

Date : 15-05-2025

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/s, direction/s directing the
respondents to release the vehicle of the
petitioner which is a Tata Nexon car
bearing Registration No. UP 56 BA
4941, Engine No.- 1.5CR08FVXW13728*



and Chassis No. MAT627505RLF47777 which was seized by the State officials under the Uchkagaon P.S. Case No. 388/2024 u/s 30(a) of the Bihar Prohibition and Excise (amendment) Act, 2018;

ii. For setting aside the order dated 30.01.2025 passed by the Learned Court of the Additional Collector, Disaster Management, Gopalganj in Confiscation (Excise) Case No. 2053/24.

iii. For awarding proportionate penalty in the light of recovery of a meagre amount of 4.4000 litres;

iv. For a direction for disposal of the present case in light of the Hon'ble Patna High Court's decision in Sanjay Nijhawan Vs. State of Bihar & Ors. (CWJC No. 10776 of 2024).

2. Briefly stated the facts of the case is that there is alleged recovery of 4.4 litres of illicit liquor from beneath the seat of the four wheeler of the petitioner. From the boot-space of the car, two goats were also recovered and seized which were brutally locked. On the basis of aforesaid fact, Uchkagaon P.S. Case No. 388 of 2024 dated 15.11.2024



was registered under Sections 303(2), 317(5), 112 and 3(5) of B.N.S and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 as well as Section 11/11(a) of the Prevention of Cruelty to Animal Act, 1960.

3. Learned counsel for the petitioner submitted that petitioner is the *bona fide* owner of the seized vehicle and she has no concern with the seized illicit liquor. The vehicle of the petitioner was misused by her fellow villagers who had borrowed it on the pretext of going to a marriage ceremony and those persons were allegedly carrying 4.4 litres of illicit liquor and two goats as per the seizure list. So, it is clearly indicative of the fact that petitioner doesn't have any involvement in the alleged offence as she is an old lady living in a village. 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. 10,000/-(Ten 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 an issue of 4.4 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	16/05/2025
Transmission Date	N/A

