

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15636 of 2025

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Alok Pandey, S/o Umesh Pandey, R/o- Laxmipur Yujurg, Tamkuhiraj, P.S.-
Tamkuhiraj, Dist- Kushinagar, Uttar Pradesh

... .. Petitioner

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 Sub-Divisional Officer, Gopalganj Sadar, Gopalganj, Bihar.
6. The Superintendent of Excise, Gopalganj, Bihar.
7. The SHO, Gopalganj Police Station, Gopalganj, Bihar.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Mohammad Farooq, Advocate
For the State : Mr. Madanjeet Kumar, Government Pleader 20

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date : 01-12-2025

Heard learned counsel for the petitioner and learned GP-
20 for the State.

2. The petitioner in this case is aggrieved by and
dissatisfied with the order dated 01.04.2025 contained in Memo
No. 557 passed by the Sub-Divisional Officer, Gopalganj Sadar
(Respondent No. 5) in Excise Confiscation Case No. 75 of 2025
whereby and whereunder the Respondent No. 5 has imposed a fine
of Rs.1,05,000/- on the vehicle of the petitioner which has been



seized in connection with Gopalganj P.S. Excise Case No. 828 of 2024.

3. Learned counsel for the petitioner submits that the Hero Xtreme Motorcycle bearing Registration No. UP57BN4659, Engine No. KC01ABNHK01165, Chassis No. MBLKCU020NHNK00703 which belongs to the petitioner was intercepted and the rider Alok Pandey was apprehended. It is alleged that 18 litres of liquor were found from the motorcycle and a black backpack. The rider was arrested and subsequently FIR was registered giving rise to Gopalganj P.S. Excise Case No. 828 of 2024 dated 03.11.2024 registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

4. Learned counsel submits that a confiscation proceeding in respect of the vehicle was initiated vide Excise Confiscation Case No. 75 of 2025. The Sub-Divisional Magistrate, Gopalganj Sadar has been made the competent authority to deal with the confiscation matter. The petitioner filed Format-IV for the release of the vehicle. It is submitted that although the Sub-Divisional Magistrate, Gopalganj Sadar passed an order for release of the vehicle but imposed an exorbitant and onerous amount of penalty to the extent of Rs.1,05,000/- as against the insured value of Rs.1,25,123/-. It is submitted that by no stretch of imagination,



a penalty to the extent of almost 90% of the insured value can be said to be a reasonable one. It is further submitted that neither the vehicle in question was found repeatedly involved in commission of the offence under the Bihar Prohibition and Excise Act nor the petitioner who is owner of the vehicle has any criminal antecedent of similar nature.

5. Referring to the judgment of this Court passed on 26.11.2025 in the case of **Rakesh Kumar Singh Vs. The State of Bihar and Others (CWJC No. 14928 of 2025)**, it is pointed out that this Court has directed for release of the vehicle transporting about 300 litres of liquor on payment of 30% of the insured value.

6. Learned GP-20 for the State has though initially made efforts to defend the impugned order passed by the Sub-Divisional Magistrate, Gopalganj Sadar (Annexure '3') but in course of hearing, learned GP-20 does not contest the submission that the amount of penalty as imposed seems to be in much higher side.

7. Having regard to the aforementioned submissions and the materials which we have noticed hereinabove, we are of the considered opinion that considering the quantum of liquor (18 litres), release of the vehicle in question on payment of 10% of the insured amount which is the minimum penalty prescribed under Rule 12A of the Bihar Prohibition and Excise Rules, 2021 (as



amended up to date) (hereinafter referred to as the ‘Rules of 2021 (as amended)’)) would be a reasonable one.

8. Accordingly, we set aside the impugned order passed by the Sub-Divisional Magistrate, Gopalganj Sadar as contained in Annexure ‘3’ to the writ application.

9. We direct the Sub-Divisional Magistrate, Gopalganj Sadar to release the vehicle in question on payment of 10% of the insured value of the vehicle keeping in view the spirit of Rule 12A of the Rules of 2021 (as amended).

10. This writ application stands allowed.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

lekhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	02.12.2025
Transmission Date	

