

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16194 of 2025

=====

Uday Kant S/o Upendra Kumar, R/o Village Ganpat Bigha, P.S. Hilsa, District Nalanda.

... .. Petitioner/s

Versus

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

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Respondent/s : Mr. Standing Counsel (10)

=====

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

Date : 28-11-2025

Heard learned counsel for the petitioner and learned AC
to SC -10.

2. The present writ application has been filed by the
petitioner seeking the following reliefs:

(i) To set aside the order dated
30.08.2024 passed by the learned Sub-
divisional Magistrate, Kaimur at Bhabua in
Excise (Vehicle Confiscation) Case No. 431 of
2024 whereby confiscated the Maruti Suzuki



Cross Car bearing registration No. BR01CY-8359 belonging to petitioner.

(ii) To direct the respondent authority to reduce the penalty amount whereas the petitioner was directed to pay 207500/- rupees which is 50% to the ensured value 415,000 and further 6225.00/- in the account of BSBCL.

(iii) Further to pass any such other order/orders as deem fit and proper.

3. Learned counsel for the petitioner has contended that he is the owner of the vehicle Maruti Suzuki S-Cross, bearing Registration No. BRO1CY-8359, Engine No. D13A5322809, Chassis No. MA3FNEB1500138947.

4. It has been stated that the said vehicle was seized in connection with Bhabua (Excise) P.S. Case No. 169 of 2024 lodged on 26.02.2024, wherein the police had, on search, recovered a total of 241 liters of country made foreign liquor. The driver of the vehicle, who was apprehended and disclosed his name as Kaushal Kumar. The owner of the vehicle was not made accused in the said case.

5. It is submitted that the Sub-Divisional Officer, Bhabua issued Memo No. 2653 dated 18.07.2024 and directed the petitioner to pay penalty amount of Rs. 2,07,500/-, assessed as



50% of the insured value *i.e.* Rs. 4,15,000/- and a further amount of Rs. 6225/- in the account of BSBCL.

6. It has been submitted that the Sub-Divisional Officer, Bhabua has imposed a very exorbitant and unreasonable penalty amount in an arbitrary manner which the petitioner has failed to deposit.

7. The Sub-Divisional Officer, Bhabua, thereafter, vide order dated 30.08.2024 passed in Excise (Vehicle Confiscation) Case No. 431 of 2024, has directed for confiscation of the aforesaid vehicle of the petitioner and to be sold through auction sale.

8. Learned counsel for the petitioner has submitted that the order dated 18.07.2024 imposing a penalty of Rs. 2,07,500/- is an excessive penalty and it defeats the provisions of the Bihar Prohibition and Excise Act, 2016 read with Bihar Prohibition and Excise Rules, 2021 (as amended up to date).

9. Learned counsel for the petitioner submits that he is ready to pay penalty which may be reasonably provided as per the provisions of Rule 12(A) of the Bihar Prohibition and Excise Amendment Rule, 2023.

10. Learned counsel for the State submits that the vehicle was found carrying 241 liters of country made liquor



which is a huge quantity and, therefore, in order to deter the accused persons and the owners of the vehicle from transportation of such huge quantity of liquor, the penalty to the extent of 50% of the insured value of the vehicle has been imposed and therefore, there is no illegality in the order passed by the Sub-Divisional Officer, Bhabua, Kaimur.

11. We have considered the rival submissions at the Bar and have tried to take a reasonable view of the matter.

12. We are reminded of an order passed by this Court on 26.11.2025 in C.W.J.C. No. 14928 of 2025 (***Rakesh Kumar Singh vs. The State of Bihar & Ors.***), wherein we have considered that:

“in absence of any specific ground that the vehicle was in regular use for transportation of liquors or that the owner of the vehicle was found involved in transportation of the liquors and/or there are multiple cases of similar nature against the owner or the vehicle, imposition of the penalty to the extent of 75 per cent of the insured value is an onerous condition and it amounts to virtually creating a situation where huge hardship may be caused to an owner of the vehicle in getting release of the vehicle”.

13. Having considered the entire facts and circumstances of the present case and also keeping in view the opinion of this Court in the earlier cases, we are of the considered opinion that 30 *per cent* of the insured value *i.e.* Rs. 1,24,500/- would be a reasonable amount by way of penalty.

14. Learned counsel for the petitioner submits that he would deposit the said amount within a period of four weeks from



today and shall make available the ownership documents of the vehicle before the competent authority. If the said amount is deposited within a period of four weeks from today, the vehicle in question shall be released in favour of the petitioner after being satisfied with the documents of ownership of the vehicle.

15. This writ application is allowed to the extent indicated hereinabove.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.12.2025
Transmission Date	

