

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17395 of 2025

Ramesh Singh, S/o - Ramekbal Singh, Resident of village- Salathus, P.S. - Kudra, Dist.- Kaimur (Bhabua), Bihar.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
2. Excise Commissioner, Bhabua, Kaimur.
3. The District Magistrate cum Collector, Bhabua, Kaimur.
4. The Superintendent of Police, Bhabua, Kaimur.
5. The Sub-Divisional Magistrate, Mohaniya, Kaimur.
6. The S.H.O. P.S.- Nuaon (Bhabua, Kaimur).

... .. Respondents

Appearance :

For the Petitioner : Ms. Sonam Kumari, Advocate
For the Respondents : Mr. Sarvesh Kumar Singh, AAG-13

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 09-12-2025 Heard learned counsel for the petitioner and learned AAG-13 for the State of Bihar.

2. The petitioner in the present case is seeking a writ in the nature of Mandamus directing the respondents to release the vehicle of the petitioner being Mahindra Bolero Pickup bearing Registration No. BR45GB2781, Chassis No. MA1RA2TTKR1J76412, Engine No. TTR1J60182 which has been seized in connection with Nuaon P.S. Case No. 46 of 2025 dated 25.04.2025 registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (as amended up to date).

3. From the vehicle in question, 560.1 litres of foreign



liquors have been recovered.

4. On perusal of the records, it appears that the petitioner was made an accused in the said case and he has been granted regular bail by this Court in Criminal Miscellaneous No. 46234 of 2025 vide order dated 21.07.2025.

5. It further appears that a confiscation proceeding has been initiated for confiscation of the vehicle and as back as on 10.07.2025, the Sub-Divisional Magistrate, Mohania (Kaimur) sent a notice to the petitioner calling upon him to get released the vehicle by filing an appropriate application and proposal in Form IV. The case was fixed for 28.07.2025.

6. Learned counsel for the petitioner submits that when the petitioner appeared before the Sub-Divisional Magistrate, Mohania (Kaimur), he was asked to deposit 50% of the insured value of the vehicle, however, this was conveyed orally and no order to that effect has been passed. In the circumstances, the petitioner has moved this Court.

7. Learned AAG-13 for the State submits that even as the order of the Sub-Divisional Magistrate, Mohania (Kaimur) is not available on the record, assuming for sake of argument that the petitioner was called upon to pay 50% of the insured value, considering the quantum of the liquor found on the vehicle, the 50% of insured value cannot be said to be excessive and by no



stretch of imagination, it can be said to be in violation of the guidelines provided 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 up to date)').

8. We have gone through Rule 12A of the Rules of 2021 (as amended up to date). It is crystal clear on a bare perusal of the said rule that the competent authority is empowered to impose penalty keeping in view the quantum of the liquor recovered from the vehicle which was found under transportation. In the present case, 560.1 litres of foreign liquors have been found from the vehicle. In such circumstance, the competent authority may take an appropriate view of the matter and impose adequate amount of penalty in accordance with Rule 12A of the Rules of 2021 (as amended up to date) for release of the vehicle.

9. We find no merit in the writ application. It is dismissed accordingly.

10. The petitioner is at liberty to pursue his remedy before the Sub-Divisional Magistrate, Mohania (Kaimur).

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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