

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19028 of 2025

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Rahul Kumar S/o Ram Layak Singh, R/o Village Arila Raghunathpur, P.S.
Natwar, District Rohtas at Sasaram.

... .. Petitioner

Versus

1. The State of Bihar through the Commissioner of Excise, Bihar Patna.
2. The Collector Cum District Magistrate, Kaimur at Bhabua.
3. Sub-Divisional Officer, Bhabua, Kaimur at Bhabua.
4. The Superintendent of Police, Kaimur at Bhabua.
5. The Superintendent of Excise Prohibition, Kaimur at Bhabua.
6. The Station Head Officer, Excise Police Station, Kaimur at Bhabua.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Tribhuvan Narayan, Advocate
For the Respondents : Mr. Shiv Kumar, AC to GA-3

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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 : 12-12-2025

Heard learned counsel for the petitioner and learned AC
to GA-3 for the State of Bihar.

2. The petitioner in this case is aggrieved by and
dissatisfied with the order of confiscation of the vehicle Maruti
Suzuki Car bearing Registration No. JH 09AH-6413, Chassis No.
MA3CZF635HH162232, Engine No. K12MN2239780 passed by
the Sub-Divisional Magistrate, Bhabhua (Kaimur) in Excise
(Vehicle Confiscation) Case No. 246 of 2025. The appeal preferred
before the Excise Commissioner, Bihar, Patna also failed in Excise



Appeal No. 132 of 2025. The said vehicle has been seized in connection with Bhabhua Excise P.S. Case No. 214 of 2025.

3. Learned counsel for the petitioner submits that in this case, the petitioner has no criminal antecedent of like nature. In the present case, he had been enlarged on bail taking note of the fact that he has no criminal antecedent. In such circumstance, it is submitted that the ratio of the judgment of this Court in case of **Manjeet Kumar Yadav Vs. The State of Bihar and Others (CWJC No. 10126 of 2025)** would be fully applicable in this case. It is his submission that the vehicle in question having been allegedly found transporting liquor for the first time may be ordered to be released keeping in view the spirit of 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)').

4. Learned counsel submits that in similar circumstance, this Court has ordered release of the vehicle on payment of 30% of the insured value of the vehicle. Reference in this regard has been made to the judgment of this Court passed on 28.11.2025 in the case of **Uday Kant Vs. The State of Bihar and Others (CWJC No. 16194 of 2025)**.

5. On the other hand, learned AC to GA-3 submits that the competent authority has invoked his power under sub-rule (3)



of Rule 12A of the Rules of 2021 (as amended). Considering that the vehicle was found carrying around 248.6 litres of liquor, the competent authority has taken a view that in public interest, the vehicle is required to be confiscated.

6. Having heard the rival submissions at the Bar and upon perusal of the records, this Court finds that the present case would fall within the category of the cases covered by the judgment of this Court in the case of **Manjeet Kumar Yadav (supra)**. In the said case, this Court has considered the ‘public interest’ aspect as enshrined in sub-rule (3) of Rule 12A of the Rules of 2021 (as amended). The relevant parts of the judgment in the case of **Manjeet Kumar Yadav (supra)** are being quoted hereunder for a ready reference:-

“12. In our considered opinion, it is to be decided by the competent authority in appropriate cases keeping in view several factors such as whether the vehicle has been caught in commission of offence repeatedly or that the owner of the vehicle could not be verified, there may be a case where the liquors are found spurious and the owner of the vehicle may be found involved in multiple cases of like nature under the liquor laws or any other consideration of like nature. In such cases, the competent authority may form an



opinion taking note of the 'public interest'.

13. If the competent authority starts rejecting an application for release of the vehicle even if it is found involved in the transportation of liquor for the first time, only by taking note of the quantum of liquor, it would act as a stumbling block in implementation of the scheme of Rule 12A, that would, in fact, frustrate the mandate of law. The word 'public interest' as occurring under sub-rule (3) of Rule 12A cannot be given a rigid meaning, it has to be construed in the context of the scheme of the statute and it must take its colour from the statute in which it occurs."

7. In the case of **Uday Kant (supra)**, this Court has taken a view that the vehicle in question be released on payment of 30% of the insured value of the vehicle.

8. In the kind of discussions made hereinabove, we set aside the impugned orders and direct the Confiscating Authority/competent authority to consider the matter afresh and pass an appropriate order within a period of one month from today keeping in view the judicial pronouncements of this Court in the case of **Manjeet Kumar Yadav (supra)** and **Uday Kant (supra)**. Paragraphs '12' and '13' of the judgment in the case of **Uday**



Kant (supra) specifically deals with the issue of quantum of penalty.

9. With the aforesaid observations and directions, this writ application is allowed.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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CAV DATE	
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