

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.624 of 2025

=====

Ankesh Kumar Shahi S/o Vijay Kumar Shahi, Resident of Belthari, P.S. - Kuchaikote, District - Gopalganj, at present 71/91 Green City Colony Phase-2, P.S. - Gorakhnath, Dist. - Gorakhpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition Department, Bihar, Patna.
2. The Additional Chief Secretary, Excise Department, Govt. of Bihar, Patna.
3. The Excise Commissioner, Head Quarter Bihar, Patna.
4. District Magistrate, Gopalganj.
5. The Superintendent of Police, Gopalganj.
6. The Superintendent of Police Excise, Gopalganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Adarsh Ranjan, Advocate
For the Respondent/s : Mr. Government Pleader (26)

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 29-01-2025

Heard learned counsels for the parties.

2. In the instant petition, petitioner has prayed for following reliefs:-

“A. For issuance of an appropriate writ/ writs, order/ orders in the nature of Certiorari for setting-aside order dated 22.07.2024 passed learned District Magistrate, Gopalganj whereby and where under the respondent no.- 4 impose of rupees- 332500.00, and directed to district magistrate Gopalganj passed final order in the confiscation case no- 625(B)/2024.

B. For issuance of an appropriate



writ/writs, order/orders in the nature of Mandamus directing the respondents to release and discharge the property from any charges labelled on the Truck Registration no.- UP-53-DT-3060 which has been wrongly seized by Police in connection with Sindhwaliya P.S. Case No.- 45/2024 on dated. 23.02.2024 registered for the offence under section 30(a) of Bihar Prohibition and Excise Act, 2018.

C. For issuance of any other relief/reliefs to which the petitioners are found entitled under the facts and circumstances of the present case.”

3. Petitioner has statutory remedy of appeal before the appellate authority under Section 92 of the Bihar Prohibition and Excise Act, 2016, resultantly, the present petition is premature.

4. Learned counsel for the petitioner submitted that for meagre recovery of 2.610 litre of IMFL from the cabin of the truck a sum of Rs. 3,32,500/- penalty has been imposed which is too harsh.

5. Be that as it may, petitioner has statutory remedy of appeal before the appellate authority. If memorandum of appeal is filed within a period of four weeks from today, the concerned appellate authority is hereby directed to decide the petitioner's appeal within a period of two months from the date of receipt of such memorandum of appeal. Appellate authority is also hereby directed to take note of quantum of liquor seized to the extent of



2.610 litre IMFL read with the imposition of penalty of Rs. 3,32,500/- in the light of Co-ordinate Bench decision dated 13.04.2023 passed in C.W.J.C. No. 3216 of 2023.

6. With the above observation, the present writ petition stands disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

rakhi/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	06.02.2025
Transmission Date	

