

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 2000 of 2026

Ranjeet Kumar Son of Umesh Kumar Patel, Resident of Village Rupwara, PS
Karza, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Excise, Tirhut Division, Muzaffarpur.
3. The District Magistrate, Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate
For the Respondent/s : Mr. Kameshwar Kumar, GP-17

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

and

HONOURABLE MR. JUSTICE RAMESH CHAND

MALVIYA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

Date: 23-03-2026

The present writ petition has been filed to release the motorcycle of the petitioner bearing Registration No. BR06CA7068, Chassis No. MD634BE43J2L68826 and Engine No. BE4LJ2667534 in favour of the petitioner.

2. The brief facts of the case are that while the police personnel of Panapur Kariyat Police Station, Muzaffarpur were on patrolling duty on 24.08.2024 at about 03:00 p.m. they received secret information that one Guddu Kumar is going to deliver illicit foreign liquor by his Apachi motorcycle bearing



Registration No. BR06CA7068, whereafter the police force had proceeded to Harchanda Bazar where one person riding the said motorcycle was arrested and upon enquiry he had disclosed his name as Guddu Kumar as also upon search 2.52 litres of illicit foreign liquor was recovered, leading to registration of Panapur Kariyat P.S. Case No. 99 of 2024 dated 24.08.2024 under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022, against Guddu Kumar, Raj Kumar and Sanjay Sah.

3. The Ld. Counsel for the petitioner has submitted that first of all meagre quantity of 2.52 litres of illicit foreign liquor has been recovered from the motorcycle in question and secondly, the petitioner was neither driving the motorcycle nor was apprehended on the spot, however he had given the motorcycle to the accused Guddu Kumar for taking his mother for treatment to the doctor but it appears that on the way he had misused the vehicle in question for ferrying illicit foreign liquor.

4. *Per contra*, the Ld. Counsel for the respondent-State submits that since 2.52 litres of illicit foreign liquor has been recovered from the motorcycle in question, the same has been legally seized under the provisions of the Bihar Prohibition and Excise Act, 2016, hence the petitioner may file appropriate application under Rule 12A(2) of the Bihar Prohibition and



Excise (Amendment) Rules, 2023 (hereinafter referred to as the 'Rules, 2023') for release of the motorcycle on payment of Penalty.

5. We have heard the learned counsel for the parties. At this juncture, we would like to reproduce Rule 12A(2) of the Rules, 2023 herein below:-

"Rule 12A (Release of Vehicles, Conveyance etc. on Payment of Penalty):-

"(2) The amount of penalty shall be as decided by the Collector or the Officer authorized by him. While imposing the penalty, he shall have due regard to the quantity of intoxicant recovered, involvement of the vehicle owner and the latest insurance value of the vehicle. In no case, the penalty should be less than 10% of the insured value of the vehicle and more than Rs. 5 lakhs. The insured value is the value of the vehicle as assessed by the insurance company. Where, the insured value is not available or the Collector or the Officer authorized by him has reason to believe that the vehicle is undervalued, he shall get the valuation done by the District Transport Officer. In any case, the Collector shall not wait beyond 15 days from the date of seizure and if during this period, the accused/owner does not pay up the penalty, he shall proceed with the confiscation/ auction."

6. A bare perusal of Rule 12A(2) of the Rules, 2023 would show that while imposing penalty, the quantity of intoxicant recovered is also required to be considered. Nonetheless, at this juncture we would like to refer to an order dated 26.11.2025, passed by a coordinate Bench of this Court in **CWJC No.14928**



of 2025 (Rakesh Kumar Singh vs. the State of Bihar & Ors),

wherein it has been held as under:-

"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."

7. Yet another aspect of the matter is that Rule 12A(4) of the Bihar Prohibition and Excise (Amendment) Rules, 2022 provides that while imposing fine, the Collector or the officer authorized by him shall have due regard to the economic status of the individual, nature of his involvement in the crime and the quantum of intoxicant recovered.

8. Having considered the facts and circumstances of the case as also taking into account the fact that meager quantity, i.e. 2.52 litres of illicit foreign liquor has been recovered, the petitioner was neither riding the motorcycle nor was present at the place of occurrence and no material is available in the counter affidavit filed by the respondents to show that either the petitioner/his motorcycle was regularly involved in transportation of illicit liquor or the petitioner is involved in multiple cases of similar nature, which are also the factors



required to be considered while imposing penalty for release of the vehicle, as has been provided under Rule 12A(2) of the Rules, 2023 and Rule 12A(4) of the Rules, 2022, we are of the considered view that it would be in the interest of justice and equitable, if the petitioner is directed to pay a sum of Rs.2,000/- by way of penalty for the purposes of release of the motorcycle in question.

9. At this juncture, the learned counsel for the petitioner submits that the petitioner would be depositing a sum of Rs.2,000/- within a period of three weeks from today and shall make available the documents of ownership of the motorcycle in question before the competent authority.

10. In such view of the matter, we direct that in case the aforesaid sum of Rs.2,000/- is deposited before the competent authority within a period of three weeks from today, the motorcycle in question shall be released in favour of the petitioner, after being satisfied with the documents relating to the ownership of the motorcycle in question, within a period of one week, thereafter.

11. It is needless to state that the present order has been passed by us while invoking the extraordinary jurisdiction under Article 226 of the Constitution of India for the reason that



unnecessarily the petitioner shall be liable to be subjected to various proceedings like the one under Rule 12A of the Rules, 2023, Section 57B, 58, 92 and 93 of the Bihar Prohibition and Excise Act, 2016, as amended upto date, for a meager recovery of 2.52 litres of illicit foreign liquor, as also with a view to avoid and prevent multiplicity of proceedings, in the interest of justice.

12. Accordingly, the present writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

(Ramesh Chand Malviya, J)

S.Sb/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.03.2026
Transmission Date	N/A

