

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 1606 of 2026

Arvind Kumar Son of Hari Lal Gupta Resident of Mohalla- Nawabganj, P.S.-
Sadar, District- Hazaribagh (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief Secretary, Bihar Prohibition and Excise Act, Government of Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Superintendent of Police, Aurangabad.
4. The Station House Officer, Madanpur Police Station, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate
For the Respondent/s : Mr. Subhash Chandra Mishra SC-16

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

and

HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

Date: 16-03-2026

The present petition has been filed for directing the respondent-authorities to release the Grand Vitara Smart Hybrid Zeta vehicle bearing registration no. JH02BL2392, Engine No. K15CN7094383, Chesis No. MBJTYKLISPB127425 in favour of the petitioner which has been seized in connection with Madanpur P.S. Case No. 404/2025 dated 08.11.2025, registered under Section 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2022 (hereinafter referred to as “the Act,

2022”), on account of recovery of 800 ml of illicit foreign liquor from the driver of the said vehicle, namely Shankar Prasad.

02. The learned counsel for the petitioner submits that neither the petitioner has been apprehended from the spot nor it is alleged that the petitioner was involved in ferrying of illicit liquor, hence a lenient view be taken and the vehicle in question be directed to be released upon payment of reasonable amount of penalty.

03. *Per contra*, the learned counsel for the respondents/State submits that confiscation proceedings have already been started by the learned Court of Deputy Collector, Land Reforms -cum- Presiding Officer (Prohibition Court No. III), Aurangabad vide Excise Confiscation Case No. 17 of 2026 and notices have been issued to the petitioner on 14.02.2026. Nonetheless, the learned counsel for the respondents/State has not denied the fact that neither any specific allegation has been levelled against the petitioner nor there is any material on record to suggest the complicity of the petitioner in the alleged occurrence.

04. We have heard the learned counsel for the parties and perused the materials on record. 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."

05. 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."

06. 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.

07. Having considered the facts and circumstances of the case as also taking into account the fact that meager quantity of 800 ml of illicit foreign liquor has been recovered from the driver of the petitioner and no material has been brought in the counter affidavit filed by the respondents to show that either the petitioner/his vehicle was regularly involved in transportation of illicit liquor or the petitioner is involved in multiple cases of similar nature, much less there being any material on record to suggest the complicity of the petitioner in the alleged occurrence, 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. 5,000/- by way of penalty for the purposes of release of the vehicle in question.

08. At this juncture, the learned counsel for the petitioner submits that he would be depositing a sum of Rs.5,000/- within a period of three weeks from today and shall make available the documents of ownership of the vehicle in question before the competent authority.

09. In such view of the matter, we direct that in case the aforesaid sum of Rs. 5,000/- is deposited before the competent authority within a period of three weeks from today, the vehicle in question shall be released in favor of the petitioner, after being satisfied with the documents relating to ownership of the vehicle within a period of one week, thereafter.

10. 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 800 ml of illicit foreign liquor, as also with a view to avoid and prevent multiplicity of proceedings, in the interest of justice.

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

(Mohit Kumar Shah, J)

(Arun Kumar Jha, J)

Anuradha/-

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