

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 2791 of 2026

Vijay Keshari S/o Lal Chand Keshari, R/o Vill.- House No. K-21/40, Gali No.-2, Gautam Vihar, Seelampur, P.S.- Seelampur, Dist.- North East Delhi, Delhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition Govt. of Bihar, Patna.
2. The Director General of Police, Govt. of Bihar, Patna.
3. The Excise Commissioner of Bihar, Patna.
4. The District Magistrate-cum-Collector, Buxar.
5. The Superintendent of Police, Buxar.
6. The Superintendent of Excise, Buxar.
7. The S.H.O. Buxar Excise Police Station, Dist.- Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Adv.
For the Respondent/s : Mr. Sarvesh Kumar, GP-24

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 for release of four-wheeler Baleno vehicle of the petitioner bearing Registration No. DL-10CK-1123, Chassis No. MBHEWB 22SHL186640 and Engine No. K12MN7154888 in favour of the petitioner.



2. The brief facts of the case are that the police personnel and excise officials, belonging to Chausa Janch Chauki, Buxar were checking vehicles coming from Uttar Pradesh in the afternoon of 03.12.2025 and at about 9.25 pm, one Baleno car bearing Registration No. DL-10CK-1123 was coming from the side of Uttar Pradesh, which was stopped and search was made, leading to recovery of one liter of illicit beer. In the said car, four persons including the brother of the petitioner was sitting, however the petitioner was not present in the car. The vehicle and the illicit beer were seized by the police personnel, leading to registration of Buxar Excise P.S. Case No. 499 of 2025, dated 03.12.2025 under Section 30(a) and 37 of the Bihar Prohibition and Excise (Amendment) Act, 2018 and 2022, against the said four persons.

3. The learned counsel for the petitioner submits that meager quantity of one liter of illicit beer has been recovered from the vehicle in question as also the petitioner was not present in the said car and the same was being driven by the brother of the petitioner, hence the petitioner is not having any complicity in the matter, thus a lenient view be taken and the vehicle in question be released upon payment of reasonable penalty.

4. *Per contra*, the learned counsel for the Respondent-State



submits that since illicit beer has been recovered from the car in question, the same has been seized and the FIR has been lodged as also confiscation proceeding has been initiated, however the learned counsel for the Respondent-State has not denied the fact that meager quantity, i.e. one liter of illicit beer has been recovered from the car in question and there is no material, which has been brought on record in the counter affidavit, filed by the Respondent-State to show that either the vehicle in question was being regularly used for transporting illicit liquor or the petitioner is an accused in such similar type of cases.

5. 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."

6. 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.

7 Having considered the facts and circumstances of the case as also taking into account the fact that meager quantity of one litre of illicit beer has been recovered, the petitioner was not present in the car at the time the aforesaid incident had taken place and no material is available 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, 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.1,000/- by way of penalty for the purposes of



release of the vehicle in question.

8. At this juncture, the learned counsel for the petitioner submits that the petitioner would be depositing a sum of Rs. 1,000/- 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.

9. In such view of the matter, we direct that in case the aforesaid sum of Rs. 1,000/- is deposited before the competent authority within a period of three weeks from today, the vehicle in question shall be released in favour of the petitioner, after being satisfied with the documents relating to the ownership of the vehicle in question, 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 one litre illicit beer, 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 off



on the aforesaid terms.

(Mohit Kumar Shah, J)

(Ramesh Chand Malviya, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.03.2026
Transmission Date	NA

