

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 2817 of 2026

Archana Kumari Wife of Gaurav Kumar Singh, Resident of Ward No. 9
Shasan, P.O. Sasan, P.S. Hasanpur, District- Samstipur, at present C/o- Gaurav
Kumar Singh, Village- Korai, P.O.- Korai, P.S. Gadhpura, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna.
2. The District Magistrate, District- Begusarai.
3. The Superintendent of Police, District- Begusarai.
4. The Officer-in-Charge, Bakhari Police Station, District- Begusarai.

... .. Respondent/s

Appearance:

For the Petitioner/s : Mr. Anil Singh, Advocate
For the Respondent/s : Mr. Standing Counsel (21)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

and

HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

Date: 07-04-2026

The present writ petition has been filed for directing the respondents to release the vehicle in question i.e., Ashok Leyland 18-wheeler Truck bearing Registration No. BR09GC5608, Chasis No. MB1T2VLD0SPRD9442, Engine No. SRPZ500093, which has been seized in connection with Bakhri P.S. Case No. 399 of 2025 dated 04.11.2025, registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2022 (amended).



02. The brief facts of the case are that on 04.11.2025 at about 04:00 AM in the morning, the police officials of Bakhri Police Station were checking vehicles on account of the ensuing Vidhan Sabha Elections, 2025 and during the course thereof, they got information that in the cabin of the aforesaid truck in question, illicit foreign liquor has been hidden, whereupon the police force had moved towards Ambedkar Chowk and had apprehended the aforesaid truck in question along with a motorcycle. The police force is stated to have searched the cabin of the aforesaid truck in question and had recovered 13.500 litres of illicit foreign liquor. The said occurrence led to filing of Bakhri P.S. Case No. 399 of 2025 dated 04.11.2025, registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2022 (amended) against three accused persons including the driver of the truck in question.

03. The learned counsel for the petitioner submits that meager quantity of 13.500 litres of illicit foreign made liquor has been recovered from the cabin of the truck in question, hence it is apparent that the truck was not being used for transporting illicit liquor apart from the fact that the petitioner was neither present in the truck nor any allegation has been made regarding her being engaged in illicit trading of liquor.



Hence, it is submitted that a lenient view be taken and the vehicle in question be released upon payment of reasonable fine.

04. *Per contra*, the learned counsel for the respondents/ State submits that the petitioner has not filed any application for release of the vehicle in question till date, hence he may file appropriate application under Rule 12A (2) of the Bihar Prohibition and Excise (Amendment) Rules, 2023 (hereinafter referred to as “the Rules, 2023”).

05. 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."

06. 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."

07. 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.

08. Having considered the facts and circumstances of the case as also taking into account the fact that meager quantity of 13.500 litres of illicit foreign made liquor has been recovered,



no material has been brought in the counter affidavit filed by the respondents to show that either the petitioner/her 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.5,000/- by way of penalty for the purposes of release of the truck in question.

09. At this juncture, the learned counsel for the petitioner submits that the petitioner 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.

10. 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 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.

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 13.500 litre illicit foreign made 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)

(Arun Kumar Jha, J)

Anuradha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.04.2026
Transmission Date	N/A

