

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 2433 of 2026

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Md. Mehebab Alam Quraishi S/o Md. Tariph Quraishi, R/o Vill.-27/B, Bazar
Bye Lane Serampore, Vihar, P.S.-Serampore, Dist.-Hooghly, West Bengal.

... .. 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

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Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate
For the Respondent/s : Mr. Sajid Salim Khan, SC-25

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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 learned counsel for the respondents/State seeks to file
a counter affidavit, copy whereof has already been filed online.
Let the same be kept on record.

02. The present writ petition has been filed for directing the
respondents to release the four-wheeler Creta Car of the
petitioner bearing Registration No. WB18AE5654, Engine No.

G4FLLV082770, Chasis No. MALPB812LLM 079781 in favour of the petitioner, which has been seized in connection with Buxar Excise P.S. Case No. 422 of 2025 dated 11.10.2025, registered under Section 30(a) and 37 of the Bihar Prohibition and Excise (Amendment) Act, 2018 and 2022 against the petitioner and one another person on account of recovery of 100 ml illicit liquor from the car in question apart from the fact that the said two persons were also found in an inebriated condition.

03. The learned counsel for the petitioner submits that meager quantity of 100 ml illicit liquor has been recovered from the vehicle in question apart from the fact that there is no material on record to suggest that the vehicle in question was being used regularly to transport illicit liquor, hence it is submitted that a lenient view of the matter be taken and the vehicle in question be released upon payment of reasonable fine.

04. *Per contra*, the learned counsel for the respondents/State has though submitted that now confiscation proceedings have been initiated by the learned Court of Deputy Collector, Land Reforms, Buxar Sadar vide Confiscation Case No. 74 of 2025 however, he has not been able to deny the fact that the quantity of liquor recovered from the vehicle in question is meager and that there is no material on record to show that the said vehicle

was being used regularly for transporting illicit liquor, much less the petitioner being involved in cases of similar nature.

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 100 ml illicit liquor has been recovered 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, 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

view that it would be in the interest of justice and equitable, if the vehicle in question is directed to be released upon payment of penalty of a sum of Rs. 2,500/-.

09. At this juncture, the learned counsel for the petitioner submits that the petitioner would be depositing a sum of Rs.2,500/- 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. 2,500/- 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 100 ml illicit 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	25.03.2026
Transmission Date	N/A