

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4535 of 2026

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Vishal Dhilllo, S/o Kanwar Singh Dhilllo, R/o House No. 311, Near DPG College, NKV Residency, Sector 72 A, Narsinghpur, Gurgaon, Haryana (122004). Petitioner

Versus

1. The State of Bihar through Secretary Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Gopalganj, Bihar.
4. The Superintendent of Police, Gopalganj, Bihar.
5. The Superintendent of Excise, Gopalganj, Bihar.
6. The SHO, Kuchaikote P.S. Gopalganj, Bihar.

... .. Respondents

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Appearance :

For the Petitioner : Ms. Anamika Anshu, Advocate
For the State : Ms. Vagisha Pragya Vacaknavi, AC to SC-9

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER
(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 22-04-2026 Heard learned counsel for the petitioner and learned

AC to SC-9 for the State of Bihar.

2. This is an application seeking the following reliefs:-

“(i) For issuance of a writ of Mandamus or any other appropriate order/ orders, direction/ directions directing the respondents to release the vehicle of the petitioner which is Baleno having Registration No. HR-26-FG-5244, Engine No.- K12NP4393006 and Chassis No. MBHHWB13SM642629 which has been seized by the State officials under the Kuchaikote P.S. Case No. 544/2025 u/s



30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2016;

(ii) For direction may be given for disposal of present case in light of the Hon'ble Patna High Court's decision in **Chmeli Singh v. The State of Bihar and Ors.** (CWJC No. 7361 of 2025) case.

(iii) For any other order/ orders, relief/ reliefs for which the petitioner may be entitled in the eyes of law.”

3. Learned counsel for the petitioner submits that the vehicle belongs to the petitioner and the petitioner was very much present in the vehicle when it was intercepted by the Excise Team and from the vehicle, 2.700 liters of foreign liquor was recovered.

4. Learned counsel has heavily relied upon the judgment of this Court in the case of **Satvinder Singh Bedi vs. The State of Bihar and Others (CWJC No. 1069 of 2025)** in which learned Co-ordinate Bench has been pleased to direct release of the truck in question on finding that only 750ml of liquor was found under the driver's seat of the vehicle. Learned counsel has also relied upon another judgment of this Court in the case of **Chmeli Singh vs. The State of Bihar and Others (CWJC No. 7361 of 2025)** wherein also this Court has granted release of the vehicle after noticing recovery of a meager quantity of the liquor.

5. On the other hand, learned AC to SC-9 for the State



submits that the judgments relied by learned counsel for the petitioner would not serve the purpose in the present case as the facts of the present case are entirely different. Learned counsel points out that in the present case, it is an admitted position that the petitioner is the owner of the vehicle, he was himself present in the vehicle when the same was intercepted by the Excise Team. It is not the case of the petitioner that he was not aware of the liquor kept in the vehicle. If it is so, then by no stretch of imagination, this Court may tweak the legal provisions so as to take a view that the vehicle be released without paying penalty.

6. We would fully agree with the submissions of learned AC to SC-9. Decision of a case depends on the facts of the said case.

7. In the present case, the facts are crystal clear. The petitioner being the owner of the vehicle was himself present in the vehicle and it is not his case that he was not aware of the liquor kept in the vehicle. The only ground stated before this Court is that the quantity of liquor is meager quantity, therefore, a similar view be taken as has been taken in the case of **Satvinder Singh Bedi** (supra) and **Chmeli Singh** (supra).

8. We regret to accept the submissions of learned counsel for the petitioner. In the case of **Satvinder Singh Bedi** (supra), 750ml of liquor was recovered under the driver's seat and



it was contended by the owner of the vehicle that he was not aware of the fact that the driver was carrying any liquor. In the case of **Chmeli Singh** (supra) also it was contended by the owner of the vehicle that the vehicle was misused by her fellow villagers who had borrowed it on the pretext of going to a marriage. These judgments are clearly distinguished.

9. In result, we find no merit in the writ application.

10. Needless to say that the order of this Court would not come in the way of the petitioner in filing of an appropriate application in terms of Rule 12(A) of the Bihar Prohibition and Excise Rules, 2021 (as amended up-to-date) before the Confiscating Authority for release of the vehicle in question on payment of penalty. If any such application is filed within one month from today, the same will be considered by the Confiscating Authority and an appropriate order shall be passed within two weeks from the date of filing of the said application.

11. This application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Soni Shrivastava, J)

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