

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10318 of 2026

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Santan Kumar Son of Devnarayan Yadav, resident of village- Barahkurva
Ward No. 12, P.O. Bhatni, P.S. Bhatni District-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Prohibition
Excise and Registration Department Govt. of Bihar, Patna.
2. The commissioner Bihar Prohibition and Excise Department Govt. of Bihar,
Patna.
3. The Commissioner Koshi Division, Saharsa.
4. The District Magistrate, Madhepura.
5. The Superintendent of Police, Madhepura.
6. The Excise Superintendent, Madhepura.
7. The District Transport Officer, Madhepura.
8. The Station House Officer, Bhatni Police Station, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amarnath Jha
For the Respondent/s : Mr.Standing Counsel (26)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
and
HONOURABLE MR. JUSTICE VIKASH KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA)

2 21-07-2026

1. Heard the parties.

2. The present writ application has been filed by the
petitioner for a direction to the respondents for release of
CRETA Car bearing Registration No. BR11BE2097, Chasis No.
MALPA812LPM493054, Engine No. G4FLPV494318 which
has been seized in connection with Bhatni P.S. Case No. 10 of
2026 lodged on 22.01.2026 for the offence under Section 30(a)



of the Bihar Prohibition and Excise Act, 2018.

3. Learned counsel for the petitioner submits that the petitioner is the valid owner of the CRETA Car in question and registration certification issued in favour of the petitioner on 17.06.2023 has been annexed as Annexure- P/1 to the writ application. The driver was driving the vehicle when it was intercepted by the police authority and a small quantity of liquor having 375 ml was recovered from the vehicle owned by the petitioner. The driver of the petitioner namely, Dharmendra Kumar was arrested.

4. Referring to Section 12A(2) of the Bihar Prohibition and Excise Rules, 2021 (for short "2021 Rules"), learned counsel submits that while release of the vehicle, the amount of penalty has to be decided by the authority having due regard to the quantity of intoxicant recovered, involvement of the vehicle's owner and the latest insured value of the vehicle. In no case the penalty should be less than 10% of the latest insured value. The vehicle owner is having no criminal antecedent and there is no report to show that confiscation proceeding has been initiated against the petitioner's vehicle.

5. Learned counsel for the State submits that petitioner may be directed to file a petition under Section 12A of



the 2021 Rules before the authority which shall be disposed by the competent authority considering the provision of Rule 12A(2) of the 2021 Rules.

6. Having regard to the submissions made by the parties and taking into consideration the fact that vehicle's owner is having no criminal antecedent, the liquor recovered is small in quantity and apparently the involvement of owner of the vehicle i.e. petitioner is not there inasmuch as the vehicle in question was being driven by the driver at the time of interception, accordingly, we are of the view that the petitioner may file an application under Form - IV before the District Magistrate, Madhepura who shall decide the application within two weeks from the date of filing of the application in Form -IV by the petitioner taking into consideration the fact that small quantity of liquor has been recovered from the vehicle and minimum penalty imposable is 10% of the latest insured value.

7. With the aforesaid observation and direction, the writ application is disposed of.

(Anil Kumar Sinha, J)

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(Vikash Kumar, J)

