

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1498 of 2025

Arising Out of PS. Case No.-1777 Year-2023 Thana- Excise P.S. District- Muzaffarpur

Kalam @ Kalam Ansari S/o Jahrli Ansari R/o Village- Nawada, P.S.-
Bishungarh, District- Hazaribagh, State- Jharkhand

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna Bihar
2. The Principal Secretary, Deptt. of Prohibition, Excise and Registration, Govt. of Bihar, Patna Bihar
3. The District Magistrate, Muzaffarpur Bihar
4. The Additional Collector-cum-Addl. Distt. Magistrate, Muzaffarpur Bihar
5. The Superintendent of Police, Muzaffarpur Bihar
6. The Excise Superintendent of Police, Muzaffarpur Bihar
7. The Officer-incharge, Excise Police Station, Muzaffarpur Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the Respondent/s	:	Mr. Madhaw Prasad Yadav, G.P.23 Ms. Meera Singh, AC to GP-23

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 08-01-2026 Heard the learned counsel for the petitioner as well as

learned counsel appearing on behalf of the respondents.

2. The petitioner has filed the instant petition seeking
following relief(s):

*“i. For issuance of a writ in the nature of
Certiorari to quash the order dated 21.08.2024
passed by the Additional Collector-cum-
Additional District Magistrate, Muzaffarpur in
Confiscation Case No. 181/2023-24 arising out
of Excise P.S. Case No. 1777/2023, whereby a
penalty of Rs. 4,81,000/-(Rupees Four Lakhs*



Eighty-One Thousand) including maintenance cost of 3% i.e. Rs. 14,430/-, totaling Rs. 4,95,430/- (Rupees Four Lakhs Ninety-Five Thousand Four Hundred Thirty), was imposed treating the value of the truck as Rs. 13,00,000/-(Rupees Thirteen Lakhs).

ii. For issuance of a writ in the nature of Mandamus commanding the respondent authorities to release the Truck bearing Registration No. JH 10 CR-7110.

iii. For issuance of a direction to the respondent authorities to award compensation to the petitioner as quantified by this Hon'ble Court.

iv. For issuance of such other appropriate writ(s), order(s), or direction(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

3. Learned counsel for the petitioner, at the outset, submits that the petitioner does not want to press the relief(s) and would be satisfied if his Truck bearing Registration No. JH-10 CR-7110 is released by the authority concerned on payment of the penalty amount in easy installments.

4. Learned counsel appearing on behalf of Excise Department submits that there is no provision for paying the penalty amount in installments to get the vehicle released.

5. From facts of the case, it appears that the Truck of



the petitioner loaded with India made foreign liquor was plying from Maharashtra to Sikkim and on entering the border of Bihar, a digital lock was put on it. However, it is further case of the petitioner that the driver tampered with the digital lock and loaded some tower fan on it and subsequently some fans were unloaded and some remained on Truck. It is further case of the petitioner that no liquor was loaded or unloaded during the plying of the vehicle within the State of Bihar. However, his Truck was seized due to breaking of digital lock put by the authority by the driver and only for this offence, the Truck in question was seized and penalty of Rs. 4,95,430/- (four lac ninety five thousand four hundred thirty) has been imposed.

6. Learned counsel appearing on behalf of Department of Excise does not contradict the claim of the petitioner about consignment of liquor remained untouched and there was no loading or unloading of the consignment of liquor from the Truck even after the digital lock was tampered.

7. Since the Truck of the petitioner has been seized with only allegation that its digital lock was tampered by the driver and penalty of Rs. 4,95,430/- has been imposed, it would be very harsh for the petitioner to pay the penalty amount in one go since it has been submitted by the learned counsel for the



petitioner that the Truck was taken on loan and the petitioner is paying its installments.

8. Therefore, in the interest of justice, I deem it fit and proper that the authority concerned be directed to release the Truck of the petitioner bearing Registration No. JH-10 CR-7110 on payment of penalty amount of Rs. 4,95,430/- in 12 monthly installments. The Truck in question would be released after payment of first installment of Rs. 55,430/- before the authority concerned/Respondent no. 6, the Excise Superintendent of Police, Muzaffarpur, and rest penalty amount of Rs. 4,40,000/- would be paid in 11 equal monthly installments. At the same time, the petitioner shall furnish all the necessary papers/documents of ownership and security bond/indemnity bond (not bank guarantee) equal to Insured Declared Value (IDV) of the vehicle in question as on date to the satisfaction of the concerned/competent authority.

9. Accordingly, the present petition stands disposed of with the aforesaid direction.

(Arun Kumar Jha, J)

Ashish/-

U			
---	--	--	--

