

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 20965 of 2025

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Mohammad Afshad Ahmad son of Abdul Saqur, resident of village- Rajapur,
Ghosrama, P.S. Sakra, District -Muzaffarpur, the partner of R.P.F. Hatchery
and Co., Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
3. The Excise Commissioner, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
4. The District Magistrate-cum- Collector, Gopalganj, District - Gopalganj.
5. The Sub- Divisional Magistrate, Gopalganj Sadar, District - Gopalganj.
6. The Superintendent of Police, Gopalganj, District -Gopalganj.
7. The Excise Superintendent, Gopalganj, District - Gopalganj.
8. The District Transport Officer, Gopalganj, District - Gopalganj.
9. The Station Head Officer, Kuchai Kote Police Station, District - Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Respondent/s : Mr. Sunil Kumar Mandal, SC-3
Ms. Neelam Kumari, AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

3 16-02-2026 The present writ petition has been filed for

quashing the order dated 17.06.2025 passed by the learned

Court of Sub-Divisional Officer, Gopalganj Sadar in Excise

Confiscation Case No.448 of 2025, whereby and whereunder

direction has been issued to release the seized vehicle, upon



deposit of a sum of Rs.4,75,000/-. The petitioner has also prayed for directing the respondent authorities to release Mahindra Bolero Maxx Pickup Vehicle of the petitioner bearing Registration No. BR06GG 5830, Chassis No. MA1RA2TTKR1K84853, Engine No. TTR1K67011 in favor of the petitioner.

2. The brief facts of the case are that one Kuchaikote P.S. Case No.123 of 2025 dated 31.01.2025 was registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as “Act, 2016”) against three persons, who were occupants of the said vehicle in question and upon search, 2.500 liters of illicit beer was recovered, whereafter the said persons were interrogated and then they disclosed that they had purchased the said beer from Uttar Pradesh as also had concealed the same in the aforesaid vehicle, which was to be consumed by them later on.

3. The learned counsel for the petitioner has submitted that the confiscating authority i.e. the Sub-Divisional Officer, Gopalganj Sadar has by the impugned order dated 17.06.2025 directed for release of the vehicle upon payment of a sum of Rs.4,75,000/-, which is exorbitant



and unreasonable, inasmuch as not only the petitioner is not an accused in the aforesaid F.I.R. but he is also in no manner, directly or indirectly involved in the alleged occurrence. It is further submitted that a bare perusal of Rule 12-A (2) of the Bihar Prohibition and Excise (Amendment) Rules, 2023 (hereinafter referred to as the “Rules, 2023”) would show that the Collector and the Authorized Officer while imposing penalty should have due regard to the quantity of intoxicant recovered, involvement of the vehicle owner and the latest insured value of the vehicle. However, in the present case, all these factors have not been considered. Thus, it is prayed that the vehicle in question be directed to be released upon payment of a reasonable amount considering the fact that meagre quantity of 2.500 liters of illicit beer has been recovered from the vehicle in question.

4. *Per contra*, the learned counsel for the respondent-State has submitted that though it is true that neither the petitioner is an accused in the aforesaid F.I.R. nor any material has been brought on record of the counter affidavit to show the direct or indirect involvement/connivance of the petitioner in the alleged



occurrence, however the vehicle of the petitioner has been seized on account of recovery of 2.500 liters of illicit beer from the vehicle in question, whereafter the Competent Authority/ Authorized Officer has already exercised his powers under Rule 12-A of the Rules, 2023 and directed for release of the vehicle in question upon payment of penalty of Rs. 4,75,000/-, which in any view of the matter is not unreasonable.

5. We have heard the learned counsels for the parties and perused the materials on record, from which it is apparent that meagre quantity of 2.500 liters of illicit beer has been recovered from the vehicle in question, which is also one of the factors, required to be considered while imposing penalty for release of the vehicle, as has been provided for under Rule 12-A (2) of the Rules, 2023 and Rule 12-A (4) of the Bihar Prohibition and Excise (Amendment) Rules, 2022. Yet another aspect of the matter is that neither the petitioner is an accused in the aforesaid F.I.R. nor any material has been brought on record in the counter affidavit to show the direct or indirect involvement/ connivance of the petitioner in the alleged occurrence. Thus, we are of the view that the penalty



imposed by the learned Sub-Divisional Officer, Gopalganj Sadar *vide* order dated 17.6.2025, passed in Excise Confiscation Case No.448 of 2025 to the extent of levy of Rs.4,75,000/-, for release of the vehicle in question is excessive, exorbitant and unreasonable, hence the said order dated 17.06.2025 is quashed.

6. At this juncture, we would refer to an order dated 26.11.2025, passed by the Ld. Division Bench of this Court in C.W.J.C. No.14928 of 2025 (***Rakesh Kumar Singh v. State of Bihar and Ors.***).

7. Having regard to the facts and circumstances of the case as also taking into account the fact that meager quantity of 2.500 liters of illicit beer has been recovered, which is also one of the factors, required to be considered while imposing penalty for release of the vehicle, apart from the fact that neither the petitioner is an accused in the aforesaid F.I.R. nor any material has been brought on record in the counter affidavit to show the direct or indirect involvement/ connivance of the petitioner in the alleged occurrence, we are of the considered view that a sum of Rs.5,000/- would a reasonable amount by way of penalty.



8. Accordingly, we direct that in case the petitioner deposits a sum of Rs.5,000/- before the concerned authority/Authorized Officer within a period of two weeks from today, the vehicle in question shall be released in favor of petitioner within a period of one week, thereafter upon the competent authority being satisfied with the ownership of the petitioner *qua* the aforesaid vehicle in question.

9. The writ petition stands allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

(Sunil Dutta Mishra, J)

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