

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 882 of 2026

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Seepahi Ray Son of Dindayal Ray, resident of village- Raghopur Purbi, P.S. -
Raghopur, District- Vaishali (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Prohibition
Excise and Registration Department, Government of Bihar, Patna.
2. The Excise Commissioner, Prohibition Excise and Registration Department,
Government of Bihar, Patna.
3. The District Magistrate, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Superintendent of Excise, District- Patna.
6. The Station House Officer, Bypass P.S., District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoranjan Kumar, Advocate
For the Respondent/s : Mr. Arvind Ujjwal, SC-04

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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 present writ petition has been filed for directing the respondents to release the three-wheeler auto passenger vehicle (TVS Motor Company Ltd. Make-Model No. TVS KingZ5+FI) bearing Registration No. BR01PQ8085, Engine No. AF4HP4101150, Chasis No. MD6M14CF7P4H00425 in favour of the petitioner.

02. The brief facts of the case are that on 25.11.2025 while

the police personnel were on duty, one auto was seen coming rapidly, whereupon the same was stopped and while enquiry was being made from the driver, he started speaking in an incoherent manner as also smell of liquor was oozing out from his mouth. Thereafter, search was made and one litre of illicit country made liquor was recovered from the said auto in question. The said occurrence led to filing of Bypass P.S. Case No. 5117085250582 of 2025 dt. 25.11.2025, registered under Section 30(a) and 37 of the Bihar Prohibition & Excise (Amendment) Act, 2022 (hereinafter referred to as “the Act”) against the petitioner.

03. The learned counsel for the petitioner submits that meager quantity of one litre illicit country made liquor has been recovered from the auto in question as also the petitioner is very poor hence, 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 submits that confiscation case has already been initiated, however the petitioner has not filed any application for release of auto till date, hence he may file appropriate application under Rule 12A (2) of the Bihar Prohibition and Excise (Amendment) Rules, 2023 (hereinafter referred to as “the Rules, 2023”).

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 one litre illicit country made liquor has been recovered, the petitioner is poor 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 considered view

that it would be in the interest of justice and equitable, if the petitioner is directed to pay a sum of Rs.2,000/- by way of penalty for the purposes of release of the auto in question.

09. At this juncture, the learned counsel for the petitioner submits that the petitioner would be depositing a sum of Rs.2,000/- 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.2,000/- 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 one litre illicit country made 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)

Anuradha/-

(Arun Kumar Jha, J)

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.03.2026
Transmission Date	N/A