

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10621 of 2025

Pramod Pasi S/o Rajendra Pasi R/o Piprahi, P.S.-Uchkagaw, District-Gopalganj, Bihar.

... .. Petitioner/s

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, Gopalganj Police Station, Gopalganj, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey
For the Respondent/s : Mr.Government Pleader (26)

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
And
HONOURABLE MR. JUSTICE S. B. PD. SINGH
CAV JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. B. PD. SINGH)

Date : 02-09-2025

In the instant petition, petitioner has prayed for the following relief(s):-

“(a) For the issuance of a writ in the any other appropriate order/orders, direction/directions directing the respondents to release the vehicle of the petitioner which is a Hero Passion Pro,



Motor Cycle having Registration No. BR 28N 1332, Engine No. HA10EVGHA56662 and Chassis No. MBLHA10BSGHA56332 which has been seized by the State officials under the FIR bearing Excise Gopalganj P.S. Case No. 241 u/s 30(a) and 32 of the Bihar Prohibition and Excise Amendment Act, 2018 dated 26.04.2025; And/or

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

2. Briefly stated the facts of the case is that there is alleged recovery of 7.8 litres of illicit liquor from the motorcycle of the petitioner and he has been apprehended. On the basis of aforesaid fact, Excise Gopalganj P.S. Case No. 241 of 2025 dated 26.04.2025 was registered under Sections 30(a) and 32 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Learned counsel for the petitioner submitted that petitioner is the owner of the seized motorcycle and he has falsely been implicated in this case. The seizure list has been made without following the rule of search. The recovery of illicit liquor is only 7.8 litres which is a



meager quantity. It is further submitted that till date, petitioner has not received any notice in the confiscation proceeding.

4. Considering the small quantity of liquor, the concerned authority is hereby directed to collect fine of Rs. 10,000/-(Ten Thousands) from the petitioner and release the motorcycle in his favour within a period of one week from the date of receipt of this order, for which petitioner has no objection.

5. We are conscious of the fact that alleged recovery is meager quantity and the aforesaid order has been passed while invoking extra ordinary jurisdiction under Article 226 of the Constitution of India for the reasons that unnecessarily petitioner shall not be subjected to various proceedings like Rule of 12A of the Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12A in the year 2022 and 2023, Sections 58, 92 and 93 of the Bihar Prohibition and Excise Act, 2016, for an issue of 7.8 litres of illicit liquor and such order is required to prevent the multiplicity of proceeding in the interest of justice.



6. Accordingly, the writ petition stands disposed
of.

(S. B. Pd. Singh, J)

(P. B. Bajanthri, ACJ)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	07/08/2025
Uploading Date	02/09/2025
Transmission Date	N/A

