

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11564 of 2025

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Dharmendra Prasad @ Dharmendra, son of Brijhan Prasad, Resident of Village-Bahadurpur, P.S. Toraiya-Sujan, District-Kushinagar (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The S.H.O., Excise Police Station, District-Gopalganj.
5. The Investigating Officer of Excise, Gopalganj, P.S. Case No. 294/2025, Excise Police Station, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey
For the Respondent/s : Mr. Standing Counsel (13)

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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 : 01-09-2025

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

“(a) A writ in the nature of mandamus or any other appropriate writ/ writs, order/ orders, direction/directions commanding the respondents to release Bajaj Platina Motorcycle bearing registration No.



*UP57BW8487, Engine No.
PFXPSL24035, Chassis No.
MD2B63AX25PL01894, in favour of the
petitioner which has been seized earlier
in connection with Excise P.S. Case No.
294 of 2025 registered for he offence
under section 30(a) and 32 of Bihar
Prohibition and Excise (Amendment) Act
2018, dated 18.5.2025 forth with.*

*(b) To any other relief/relief for with
petitioner is found initiated to.*

2. Briefly stated the facts of the case is that there is alleged recovery of 7.6 litres of illicit liquor from the motorcycle of the petitioner and he has been apprehended. On the basis of aforesaid fact, Excise P.S. Case No. 294 of 2025 dated 18.05.2025 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



7.6 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. 15,000/-(Fifteen 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 7.6 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	11/08/2025
Uploading Date	01/09/2025
Transmission Date	N/A

