

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11868 of 2025**

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Ritesh Kumar Singh, son of Brimohan Singh @ Brijmohan Singh, resident of  
Village -Banqra Chauhan Tola, P. S. - Mashrakh, District - Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar Old Secretariat, Patna Bihar.
2. The Divisional Commissioner, Excise Department, Patna, Division Patna.
3. The District Collector, Saran.
4. The Superintendent of Police Saran.
5. The Station House Officer Mashrak Police Station Saran.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Hemant Kumar  
For the Respondent/s : Mr. Government Pleader (11)

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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) For release of the Apache  
Motorcycle bearing Registration no.  
BR04AL5409, Chasis No. MD634AE88M2P13  
902 and Engine No. AE8PM2212844 seized  
by the respondent authorities in connection  
with Mashrakh P.S. Case no. 315/2024  
which was registered under section 30(a) of  
the excise Act.*

*(ii) Till date confiscation case has not*



*been initiated in the present case.*

2. Briefly stated the facts of the case is that there is alleged recovery of 720 ml illicit liquor from the motorcycle of the petitioner. On the basis of aforesaid fact, Mashrakh P.S. Case No. 315 of 2024 dated 14.05.2024 was registered under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

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 petitioner was not apprehended from the spot and he has no concern with the seized illicit liquor. The seizure list has been made without following the rule of search. The recovery of illicit liquor is only 720 ml 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. 5,000/-(Five 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 720 ml 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

