

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11384 of 2025

Yogendra Yadav S/o Madhusudan Yadav, Resident of Village-Bokanari
Punakala, P.S.-Paraiya, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar Prohibition and Excise Department, Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Superintendent of Excise, Gaya.
4. The Superintendent of Police, Gaya.
5. The Officer in Charge, Magadh Medical Police Station, District-Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha
For the Respondent/s : Mr.Government Pleader (4)

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) To issue an appropriate order/s,
direction/s including a writ preferably in
nature of Mandamus to direct respondents to
release the vehicle/Motorcycle bearing
Registration NO. BRO2AO-9916, Chassis
No. MBLHAR083KHA63076 and Engine
No. HA10AGKHAA1143 in favour of the
petitioner who is owner of the said vehicle*



seized in Magadh Medical P.S. Case No. 16/ 2025 dated 16-01-2025 registered under section 30 (a) of Bihar Prohibition and Excise Amendment Act, 2022 lying in the premises of Police station and subject to natural decay by furnishing suitable fine to the satisfaction of learned District Magistrate, Gaya.

(ii) Any other relief/s to which the petitioner is entitled in the facts and circumstances of the case..”

2. Briefly stated the facts of the case is that there is alleged recovery of 1 litre of illicit liquor from the motorcycle of the petitioner and one Rakesh Kumar has been apprehended. On the basis of aforesaid fact, Magadh Medical P.S. Case No. 16 of 2025 dated 16.01.2025 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 nor anything has been recovered from his conscious possession. The seizure list



has been made without following the rule of search. The recovery of illicit liquor is only 1 litre 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 1 litre 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

