

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12538 of 2025

Rohit Kumar, son of Tribhuwan Mahto, Resident of Village- Puraina, P.S.-
Manjhagarh, District Gopalganj.

... .. 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 officer-in-charge (S.H.O.), Manjhagarh Police Station, Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra
For the Respondent/s : Mr. Government Pleader (20)

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):-

*“(i) For issuance of an
appropriate writ/order/direction
commanding and directing the
respondents to release the TVS
Apache RTR 160 vehicle of the
petitioner bearing Registration No.-
BR-28Z-2089 which has been seized*



by the police in connection with Manjagarh P.S. Case No.- 208 of 2024 for the offences under sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

(ii) For the further issuance of writ/order/ direction as your Lordship may deem fit and proper.

2. Briefly stated the facts of the case is that there is alleged recovery of 12 litres of illicit liquor from the motorcycle of the petitioner and he has been apprehended. On the basis of aforesaid fact, Manjagarh P.S. Case No. 208 of 2024 dated 28.07.2024 was registered under Sections 30(a) 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 petitioner 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 12 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 12 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	12/08/2025
Uploading Date	01/09/2025
Transmission Date	N/A

