



2025:PATHC:108348-DB

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18918 of 2025

Nilam Devi, Wife of Pramod Kumar Singh, Resident of Village Kumahu, P.S. Shivsagar, District Rohtas at Sasaram.

... .. Petitioner

Versus

1. The State of Bihar through Prohibition, Excise & Registration Department, Government of Bihar, Patna.
2. The Excise Commissioner, Patna.
3. The District Magistrate, Kaimur at Bhabua.
4. The Sub-Divisional Magistrate, Bhabua, District- Kaimur at Bhabua.
5. The Superintendent of Police, Bhabua, District- Kaimur at Bhabua.
6. The Superintendent of Excise, Bhabua, District- Kaimur at Bhabua.
7. The Sub Divisional Police Officer, Bhabua, District- Kaimur at Bhabua.
8. The Officer in Charge of Police Station Chand, District- Kaimur at Bhabua.

... .. Respondents

Appearance :

For the Petitioner : Mr. Rajani Kant Pandey, Advocate
For the Respondents : Mr. Anuj Kumar, AC to SC-12

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date : 08-12-2025

Heard Mr. Rajani Kant Pandey, learned counsel for the petitioner and Mr. Anuj Kumar, learned AC to SC-12 for the State of Bihar.

2. The petitioner in this case is aggrieved by and dissatisfied with the order dated 21.08.2025 passed in Excise Revision Case No. 21 of 2025 by the Secretary (Prohibition and Excise), Bihar, Patna whereby and whereunder the Secretary being the Revisional Authority has refused to interfere with the appellate





order passed in Excise Appeal No. 76 of 2025 by the Excise Commissioner, Bihar at Patna and the confiscation order passed by the Sub-Divisional Magistrate, Bhabhua, Kaimur in Excise (Vehicle Confiscation) Case No. 192 of 2025.

3. It appears that the vehicle Maruti Suzuki Brezza Car bearing Registration No. BR24AL-7605, Chassis No. MA3RYHK1SPL339021, Engine No. K15CN9381102 was found carrying allegedly 115.385 litres of liquor. It further appears on perusal of the impugned orders that the vehicle in question has not been released citing sub-rule (3) of Rule 12A of the Bihar Prohibition and Excise Rules, 2021 (as amended up to date) (hereinafter referred to as the 'Rules of 2021 (as amended up to date)').

4. Learned counsel for the petitioner submits that Rule 12A was inserted in the Rules of 2021 by Amendment Rules, 2022. The purpose behind incorporation of Rule 12A was to allow release of the vehicles seized in connection with transportation of liquor. One of the factors required to be considered for purpose of deciding the quantum of penalty is the quantum of liquor recovered from the vehicle. It is submitted that in an identical situation where the vehicle was not released citing public interest as contained in sub-rule (3) of Rule 12A of the Rules of 2021 (as





amended up to date), this Court had occasion to consider the said Rule and in that context, this Court in the case of **Manjeet Kumar Yadav Vs. The State of Bihar and Others (CWJC No. 10126 of 2025)** has held that the word ‘public interest’ cannot be construed in a rigid sense under the scheme of the Rules of 2021 (as amended up to date). Learned counsel submits that the petitioner is ready to deposit the penalty as may be fixed by the competent authority in accordance with rules for purpose of release of the vehicle.

5. Learned AC to SC-12 for the State submits that the impugned order has been passed keeping in view ‘public interest’ as the vehicle was found carrying 115.385 litres of liquor.

6. Having heard learned counsel for the petitioner and learned AC to SC-12 for the State, we are of the considered opinion that the release of the vehicle cannot be refused on the solitary ground of quantum of liquor found on the vehicle. The spirit of Rule 12A has been considered by this Court in its judgment in the case of **Manjeet Kumar Yadav (supra)**. The relevant paragraphs from the said judgment are being extracted hereunder for a ready reference:-

“11. Since Rule 12A(3) talks of ‘public interest’ but it has not been clearly explained in the Rules, we would take a cue on this from the judgment of the Hon’ble





Supreme Court in the case of **Saiyad Hussain Abbas Rizwi (supra) and Kameshwar Singh (supra)**. To us, it appears that the legislatures in their wisdom have inserted Rule 12A with a conscious decision to allow release of the vehicles on payment of penalty. One of the factors to be taken into consideration for the purpose of arriving at the quantum of penalty is the quantum of liquors loaded on the vehicle, therefore, only on the ground of quantity of liquor, the competent authority cannot reject an application for release of the vehicle.

12. In our considered opinion, it is to be decided by the competent authority in appropriate cases keeping in view several factors such as whether the vehicle has been caught in commission of offence repeatedly or that the owner of the vehicle could not be verified, there may be a case where the liquors are found spurious and the owner of the vehicle may be found involved in multiple cases of like nature under the liquor laws or any other consideration of like nature. In such cases, the competent authority may form an opinion taking note of the 'public interest'.

13. If the competent authority starts rejecting an application for release of the vehicle even if it is found involved in the transportation of liquor for the first time, only by taking note of the quantum of liquor, it would act as a stumbling block in implementation of the scheme of Rule 12A, that would, in fact, frustrate the mandate of law. The word 'public interest' as occurring under sub-rule (3) of Rule 12A cannot be given a rigid meaning, it has to be construed in the context of the scheme of the statute and it must take its colour from the statute in which it occurs."





7. Having regard to the judgment of this Court, we are of the considered opinion that the impugned orders are liable to be set aside. We, accordingly, set aside the impugned orders and direct the Sub-Divisional Magistrate, Bhabhua (Kaimur) to consider the request of the petitioner for release of the vehicle on payment of adequate penalty in terms of Rule 12A of the Rules.

8. Let such consideration be given by the Sub-Divisional Magistrate, Bhabhua within a period of one month from the date of receipt/production of a copy of this judgment.

9. In the meantime, the vehicle in question shall not be auction sold.

10. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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CAV DATE	
Uploading Date	09.12.2025
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