

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3179 of 2016

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Bhagwat Prasad son of Laxmi Chand Prasad @ Laxmi Mahto, at
Mamoorabad, P.O.- Mirchaiganj, P.S.- Nalanda, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna
2. The Member, Board of Revenue, Bihar, Patna
3. The Commissioner, Excise Bihar, Patna
4. The District Magistrate, Nalanda
5. The Superintendent Excise Nalanda, Bihar Sharif
6. The Excise Sub-Inspector, Sadar North Circle, Nalanda

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad No.-1
For the Respondent/s : Mr. LALIT KISHORE- AG

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-11-2017

Challenging an order dated 6.8.2015 passed by the Board of Revenue in an appeal filed by the petitioner rejecting his claim with regard to seizure of 14,000 sachets of country made liquor of 200 m. each, this writ petition has been fled seeking release of the materials seized and confiscated. The learned Appellate Authority, after considering the matter, has found that the material belonged to the petitioner and, therefore, impugned action has been taken.



Learned counsel appearing for the petitioner vehemently tried to argue that the material was seized from an area outside the petitioner's premises and, therefore, the impugned action could not have been taken.

The finding recorded by the Appellate Authority that the liquor was seized from the petitioner's premises being a finding of fact, based on due appreciation of the materials which have come on record. The concurrent findings have been recorded both by the Excise Commissioner and the Board of Revenue, affirming the order of the Collector, Patna. The findings of these three authorities do not require any re-consideration.

The application is dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	8.11.2017
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