

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3917 of 2019

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Kamlesh Thakur (Male) aged about 54 years, Son of Late Bhola Thakur,
Resident of Village-Baheri, West Police Station-Baheri, District-Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department at Patna.
2. The District Magistrate, Darbhanga, Division, Darbhanga.
3. The Senior Superintendent of Police, Darbhanga.
4. The Officer in Charge, Baheri Police Station, District Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramashankar Singh
For the Respondent/s : Mr. Kumar Manish (SC5)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 07-03-2019

Heard learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Learned counsel for the petitioner submits that
although the Baheri P.S. Case No. 135 of 2018 has been
instituted for allegedly violating the provisions of the Bihar
Prohibition and Excise Act, 2016 on the alleged recovery of
liquor from the house of the petitioner but the fact is that the
house has neither been confiscated nor put under seal. However,
he submits that the institution of the criminal case has led to the



confiscation proceeding bearing Confiscation Proceeding No. 216 of 2018.

In our opinion, if the house of the petitioner from where the recovery of liquor has allegedly been made, has not been put under seizure, he does not have a cause of action at this stage. The petitioner nonetheless would be at liberty to raise all issues as raised herein to contest the confiscation case before the prescribed authority.

With the observation above, the writ application is disposed of.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
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