

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13336 of 2021

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Raju Kumar, aged about 33 years, male, son of Ramchandra Ray, resident of village- Chakki Tarajivar Narma, P.S.- Bochaha, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary Excise Department, Government of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Superintendent of Police, Muzaffarpur.
4. The Sub- Inspector, of Aurai Police Station District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate
For the Respondent/s : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 29-07-2021

Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner has prayed for the following reliefs: -

“For issuance of an appropriate writ in the nature of mand

an offence. The said Section reads as under:

“56. Things liable for confiscation.-

Whenever an offence has been committed, which is punishable under this Act, following things shall be liable to confiscation, namely-

- (a) Any intoxicant, liquor, material, still, utensil, implement, apparatus in respect of or by means of which such offence has been committed;
- (b) any intoxicant or liquor unlawfully imported, transported, manufactured, sold or brought along with or in addition to, any intoxicant, liable to confiscation under clause (a);
- (c) any receptacle, package, or covering in which anything liable to confiscation under clause (a) or clause (b), is found, and the other contents, if any, of such receptacle, package or covering;
- (d) any animal, vehicle, vessel or other conveyance used for carrying the same.
- (e) Any premises or part thereof that may have been used for storing or manufacturing any liquor or intoxicant or for committing any other offence under this Act.

Explanation.- The word “premises” include the immovable structure, all moveable items within the structure and the land on which the premises is situated.”

Under section 58 power to issue an order of



