

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6719 of 2022

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Sanni Sah @ Shani Sah S/o Munsu Sah Resident of Village Salash, Post-Barahuli Kala, P.S. Kochas, District-Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Excise Department Govt. of Bihar, Patna.
2. The Addl. Chief Secretary, Excise Department, Govt. of Bihar, Patna.
3. The Excise Commissioner Excise and Prohibition Department, Govt. of Bihar, Patna.
4. The District Magistrate, Rohtas at Sasaram.
5. The Assistant Excise Commissioner, Sasaram, Rohtas.
6. The Circle Officer, Kochas, Rohtas
7. The Officer-Incharge, Porsethua O.P., Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate
For the Respondent/s : Mr. Vivek Prasad, G.P.-7

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 12-05-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

1. That, this is an application for issuance of the appropriate writ/ writs, order/ orders or direction/ directions for quashing order dated 16.03.2022 passed by the learned Additional Chief Secretary Excise Department, Govt. of Bihar in Excise Revision No. 67/2022 by



which the premises in question own by the revisionist/ petitioner is allowed to be released upon the payment of Rs. 2,00,000/- and also for quashing the order dated 30.11.2021 passed by the learned Excise Commissioner, Bihar, Patna in Excise Appeal No. 770/2021, by which the Excise Appeal No. 770/2021 was dismissed and also for quashing the order dated 13.07.2021 passed by the learned District Magistrate, Rohtas at Sasaram in Confiscation Case No. 162 of 2017 arising out of Kochas (Parasethau) P.S. Case No. 103/2017, whereby and whereunder the house of the petitioner situated upon mauza Sailesh Thana No. 34, Khata No. 27, Plot No. 742 area 12 ½ decimal has been confiscated and further be pleased to direct the ^{Authority} ~~officer~~ to release the premises of the petitioner, which has been confiscated.

Allegation is of recovery of two sealed bottles of Royal Stag, each containing 108 ml. from the room situated behind the Prabhu Basera Line Hotel.

Learned counsel for the petitioner submits that the property in question has been purchased by Rajmuni Devi vide Sale Deed No. 697 dated 21.01.2000 and is the joint property of the petitioner's father and their three brothers.



Having heard learned counsel for the parties, we modify the order dated 16.03.2022 passed by the Additional Chief Secretary, Excise Department, Government of Bihar in Excise Revision No. 67/2022 (Annexure-4) only to the extent that the premises in question be released upon payment of penalty of Rs. 1,00,000/- (one lac only).

The instant petition stands disposed of with the aforesaid modification in the impugned order.

Learned counsel for the respondents undertake to communicate this order to the appropriate authority.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	16.05.2022
Transmission Date	

