

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11698 of 2022

Pratima Singh @ Pratima Sinha W/o Late Ayodhya Prasad, R/o Road No. 04,
Near Indane Gas Godown, Adarsh Bihar, Ramkrishna Nagar, P.S.-Ramkrishna
Nagar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Excise, Bihar, Patna.
3. The Commissioner Excise, Bihar, Patna.
4. The District Magistrate, Patna.
5. The Superintendent of Police, Patna.
6. The Superintendent of Excise, Patna.
7. The Inspector Excise, Attack Force, Patna.

... .. Respondent/s

(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.)

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Adv
For the Respondent/s : Mr.Kumar Manish (SC5)

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

Date : 02-09-2022

Heard learned counsel for the parties.

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



- (i) To issue a writ in the nature of Certiorari for quashing the order dated 01-07-2022 passed by the court of Collector cum- District Magistrate, Patna in

Confiscation case No. 1080/2020-21 whereby and where under the learned Collector-cum- District Magistrate, Patna imposed penalty of Rs. 5 lacs under 12 (B) of Bihar Prohibition and Excise Amendment Act, 2022, to release the room of the petitioner which has been sealed vide P.R. Case No. 325/ 2020 registered u/s 30(a)/ 32 (1)(3)/ 41 (1)(2) of Bihar Prohibition and Excise Act, 2016 and ordered to deposit the penalty of rs. 5 lacs through challan in the treasury within 15 days and produced before the court..

Allegation is recovery of 114 litre of illicit liquor from room situated in the building of the petitioner.

Learned counsel for the petitioner submits that petitioner is a widow and owner of the seized premises and she had let the room on rent and she was not aware that illicit liquor was kept in the said room and she has no concern with said illicit liquor. Rent from the let out rooms is the only source of income of petitioner.

In the prosecution report (Annexure-1), it has been stated that excise official received a confidential information that accused Shankar Kumar, who is tenant in the house of petitioner is indulged in trade of illicit liquor and accused Shankar Kumar has also admitted that he is renter in the house of petitioner.



Considering petitioner to be a widow as well as her social and economic status and also in view of the fact that petitioner is landlord and accused is a tenant, who was engaged in trade of illicit liquor in her tenanted house, for which, petitioner cannot be held to be responsible.

Having heard learned counsel for the parties, we modify the order dated 01.07.2022 passed by the District Collector-cum-Confiscating Authority, Patna, in Confiscation Case No. 1080 of 2020-21, to the extent that the premises in question be released upon payment of penalty of Rs. 2,00,000/- (two lacs only) under Rule 12(B) of the Excise Act.

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)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

