

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13365 of 2022

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Rohit Kumar son of Late Brij Raj Prasad Yadav @ Nagina Prasad, Resident of Village/Mohalla - Sonaru Shisha Mill, P.S.- Fatuha, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Bihar Prohibition and Excise, Government of Bihar, Patna.
2. The Collector-Cum-District Magistrate, Patna.
3. The Superintendent of Police, Patna.
4. The Superintendent of Excise, Patna.
5. The Officer In Charge, Fatuha Police Station, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate
For the Respondent/s : Mr.Kumar Manish (S.C. 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 : 09-09-2022

Heard learned counsel for the petitioner and

learned counsel for the State.

Petitioner has prayed for the following reliefs: -

- (A) To release/unseal the Godown of the petitioner which has been seized/sealed by S.H.O. Fatuha Police Station, District- Patna in connecton with Fatuha P.S.Case no.679 of 2021 dated 07.09.2021 for the offences alleged under Section 30(a), 56(c) of Bihar Prohibition and Excise Act which has been forwarded to the court of learned Special



Judge, Excise, Patna City.

(B) To any other relief/reliefs for which the petitioner is entitled in the facts and circumstances of the case.”

Learned counsel for the petitioner prays that the petition be disposed of in terms of order dated 9th January, 2020 passed in **CWJC No. 20598 of 2019 titled as Md. Shaukat Ali Vs. The State of Bihar** and subsequent order dated 14th January, 2020 passed in **CWJC No.17165 of 2019 titled as Umesh Sah Versus the State of Bihar & Ors.** and order dated 29.01.2020 passed in **CWJC No.2050 of 2020 titled as Bunilal Sah @ Munilal Sah.**

Learned counsel for the respondents has no objection to the same.

The Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the Act) prohibits the manufacture, storage, distribution, transportation, possession, sale, purchase and consumption of any intoxicant or liquor, unless so allowed in terms of the Act. (Section 13).

In addition to the penalty imposed for committing such an offence, Section 56 of the Act lays down the procedure for confiscation of “things” used for in the commission of such an offence. The said Section reads as under:



