

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3027 of 2023

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Naulesh Chaudhari @ Nawal Chaudhari Son of Late Ram Kishun Chaudhari
Resident of Village-Ekangardih, Police Station- Ekangarsarai, District
-Nalanda.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of Excise,
Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Excise, Bihar, Patna.
3. The Excise Commissioner, Bihar, Patna,
4. The Collector-Cum-District Magistrate, Nalanda.
5. The Additional Collector-Cum-Additional District Magistrate, Nalanda at
Biharsharif.
6. The Superintendent of Police, Nalanda.
7. The Station House Officer, Ekangarsarai, District- Nalanda.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.
For the Respondent/s : Mr. Vivek Prasad (GP7)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-05-2023

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

The petitioner is aggrieved with the confiscation
proceedings initiated and concluded against his property for
reason of seizure of liquor. 15 litres country made liquor were
recovered from the dwelling house of the petitioner. The seizure
report shows the location of the premises from which the above



seizure was made. Confiscation proceedings were concluded by the Collector confiscating the property and the appeal against it remained unsuccessful and the revision filed also was rejected.

There is no procedural irregularity pointed out by the learned counsel for the petitioner and in such circumstances, the only remedy available for the petitioner is to approach the Collector for release of the dwelling house on payment of penalty as has been prescribed under Rule 12B of the Bihar Prohibition and Excise Rules, 2021. If such an application is filed, the Collector shall consider the same specifically taking into account the economic status of the individual, nature of involvement in the crime, location of the premises and more importantly, the quantum of the intoxicants recovered. These factors should be judiciously considered while determining the quantum of penalty to be imposed upon the petitioner. The petitioner shall file an application before the Collector within a period of two weeks from today upon which the Collector shall intimate a date of hearing and conclude the proceedings within a further period of one month from the date of hearing.

We make it clear that we have not made any observations on the merits of the case. The petitioner would be entitled to challenge the order of the District Collector if he desires so. But



if the penalty is deposited, the premises shall be absolved from
confiscation.

Leaving the remedy open, the writ petition stands
disposed off with the aforesaid observations and directions.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Shyambihari/
Raj Kishore/-

AFR/NAFR	
CAV DATE	
Uploading Date	11-05-2023
Transmission Date	

